

Proposed Bay of Plenty Regional Policy Statement
Section 32 report
Coastal environment



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Section 32 Report

Coastal Environment

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1 Introduction

This report presents the Section 32 evaluation in accordance with the Resource Management Act 1991, “Consideration of alternatives benefits and costs” for the proposed Regional Policy Statement (Regional Policy Statement) on the topic of geothermal resources. Section 32 states:

32 Consideration of alternatives, benefits, and costs

- (1) *In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under section 48, or a regulation is made, an evaluation must be carried out by —*

.....

- (c) *the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or*

- (3) *An evaluation must examine —*

- (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
- (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

....

- (4) *For the purposes of [[the examinations referred to in subsections (3) and (3A), an evaluation must take into account —*

- (a) *the benefits and costs of policies, rules, or other methods; and*
- (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

- (5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*

- (6) *The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.*

1.1 Structure of this report

Section 2 of this report outlines the identified regionally significant issues and the process of identification.

Section 3 outlines the appropriateness of the objectives in accordance with the purpose of the Act.

Sections 4-6 then evaluates the most appropriate policy and method options to achieve the objectives. When evaluating the policy and method options, the range of options available is first discussed and then each option is evaluated. There are four types of options discussed in each instance. These are:

(a) Broad direction to district and/or regional plans

This is where a policy directs that a change is to be made to a district and/or regional plan. The method then sets out when this change is to be undertaken.

(b) Specific direction on matters to be given particular regard to in resource management decision making

This is where a policy sets out a series of matters that are to be given “particular regard” when making resource management decisions. The method sets out when these matters are to be considered. This may include resource consent decisions, decisions on notices of requirements or when making decisions about changes to district or regional plans.

(c) Guidance

This is where a policy and a method (or methods) outlines the non-regulatory actions that need to be put in place. These include:

- Information and guidance
- Integrating management
- Identification and investigation

(d) Doing Nothing

This will occur where no intervention, either regulatory or non-regulatory will occur.

Determining the most appropriate policies and methods is based on an assessment of the effectiveness and efficiency of the policy and method options and the risks of acting or not acting when there is uncertain or insufficient information.

Effectiveness is a measure of how successful a particular option is in achieving Objective 1 (desired environmental outcome). Effectiveness is a cumulative value, derived from the range of types and scope of influences or impacts of an intervention, towards achieving intended results and environmental outcomes. The effectiveness of an option is not able to be assessed as an absolute value. Rather, options are appraised as to whether they exhibit the qualities which contribute to ‘effectiveness’ and to what degree, and a determination is made as to the cumulative effect of the pertinent attributes in terms of high, medium or low “effectiveness”.

When evaluating the efficiency of the policy and method options both the benefits (social, economic and environmental) and costs (social, economic and environmental) are discussed. Efficiency of the option is then evaluated as low, medium or high. Figure 1 outlines how this assessment was undertaken.

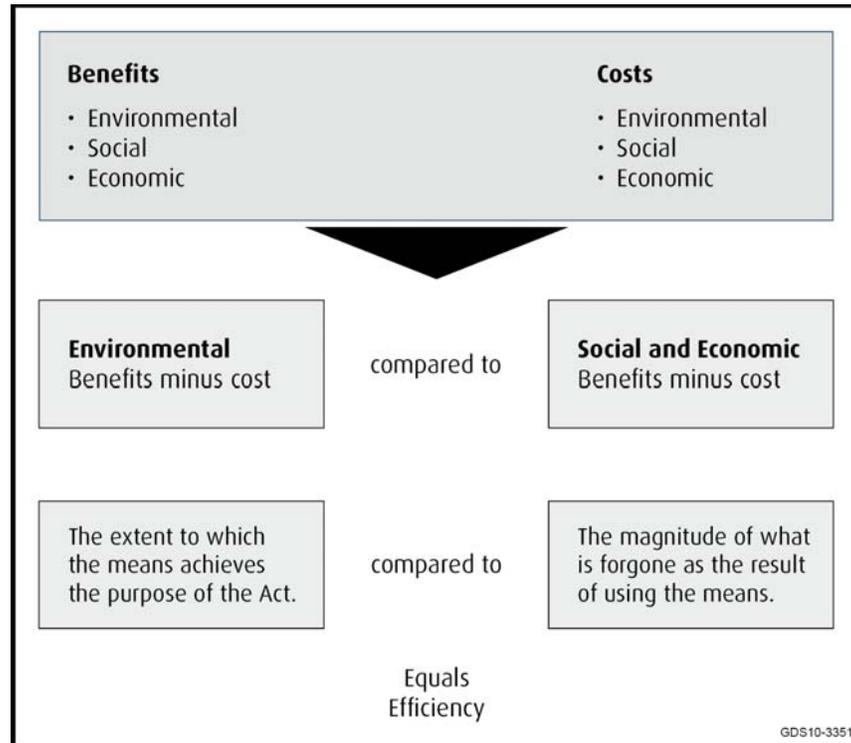


Figure 1 Deriving efficiency from benefits and costs.

The evaluation of 'efficiency' will result in either a positive or negative result in terms of efficiency. Alternatively, if efficiency is expressed as a cost/benefit ratio, it will be either greater than or less than 1. In the event the ratio is considered to be less than 1, the option can be considered efficient, in that the sum of the benefits outweigh the sum of the costs. In the event the ratio is deemed to be greater than 1, the option can be considered to be inefficient, in that the sum of the costs outweigh the sum of the benefits. It is important to note that in this evaluation of 'efficiency', absolute values for each of the variables considered pertinent (i.e. identified as either a cost or a benefit within the evaluation of the options) are not available. Rather, the analysis has endeavoured to present an accurate appraisal of the relative costs and benefits between the options, in order to determine which are efficient and which are not. A simple yes or no is used to differentiate the options as efficient or inefficient.

2 Regionally significant issues

In identifying the regionally significant issues around air quality, the following information was evaluated:

- Criteria to ensure the issues were regionally significant (refer Appendix 1 for a copy of the criteria)
- Bay Trends (2004) – Report on the state of the Bay of Plenty environment
- Bay of Plenty Community Outcomes Report (2008)
- Stakeholder written comments/submissions on the Draft Regional Policy Statement
- The Next Bay of Plenty Regional Policy Statement: Issues and Options (2008)
- Monitoring and Evaluation of the Operative Bay of Plenty Regional Policy Statement (2008)
- Operative New Zealand Coastal Policy Statement (1994)
- The Independent Review of the New Zealand Coastal Policy Statement (2004)

The resulting issues recommended for inclusion in the proposed RPS on the coastal environment are:

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

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

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

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

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

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

It is recognised that there other issues of concern within the coastal environment such as public access, iwi resource management, and integrating management across mean high water springs and coastal hazards. However these issues have all been covered within other topic areas and therefore the associated policies and methods are analysed in other reports.

3 Extent to which the objectives are the most appropriate

To follow is an assessment outlining the extent to which each of the coastal environment objectives are the most appropriate way to achieve the purpose of the RMA.

Objective 2 - Preservation and enhancement of the natural character and ecological functioning of the coastal environment

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

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

3.1 Objective 2: Preservation and enhancement of the natural character and ecological functioning of the coastal environment

Objective 2 addresses activities that may have an adverse effect on the natural character and ecological functioning of the coastal environment. Objective 2 is the most appropriate way to achieve the purpose of the RMA for the following reasons:

- **Pressure on natural character and ecological functioning of the coastal environment:** The Monitoring and Evaluation report undertaken on the operative RPS identifies that an objective around natural character of the coastal environment is essential because it is a matter of national importance under s6(a) and is central to the core principles of the NZCPS. The monitoring report also identifies that no region-wide identification of natural character has been undertaken to date and that there are difficulties around assessing natural character (as distinct from landscape values) in the wet part of the coastal environment (below mean high water springs). The monitoring report indicates that natural character is considered to be declining within the land backdrop component of the coastal environment. Objective 2 promotes region-wide assessment, identification and mapping of areas of high natural character in the coastal environment which has not been undertaken to date and will greatly assist efforts to preserve the natural character of the coastal environment.
- **RMA Mandate for local authorities to manage natural character and ecological functioning of the coastal environment:** Relevant sub sections to Section 30 “Function of regional councils” for Objective 2 include:
 - 30(1)(b) – the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance
 - 30(1)(c)(ii) - the maintenance and enhancement of the quality of water in water bodies and coastal water:
 - 30(1)(c)(iia) – the maintenance and enhancement of ecosystems in water bodies and coastal water
 - 30(1)(d)(i) – in respect of any coastal marine area in the region, the control (in conjunction with the Minister of Conservation) of land and associated natural and physical resources

30(1)(d)(v) – in respect of any coastal marine area in the region, the control (in conjunction with the Minister of Conservation) of any actual or potential effects of the use, development, or protection of land...

30(1)(g)(ii) - in relation to any bed of a water body, the control of the introduction or planting of any plant in, on, or under that land, for the purpose of the maintenance and enhancement of the quality of water in that water body

30(1)(ga) – the establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity

- **Matters of National Importance:** In addition, Objective 2 recognises and provides for the following matters of national importance in section 6:

6(a) – The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development

- **Central Government direction:** The following policies of the New Zealand Coastal Policy Statement 1994 are relevant to Objective 2:

Policy 1.1.1 - it is a national priority to preserve the natural character of the coastal environment by;

(a) encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment;

(b) taking into account the potential effects of subdivision, use, or development on the values relating the natural character of the coastal environment, both within and outside the immediate location

Policy 1.1.2 - It is a national priority for the preservation of the natural character of the coastal environment to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna in that environment by:

(a) avoiding any actual or potential adverse effects of activities on the following areas or habitats:

(i) areas and habitats important to the continued survival of any indigenous species; and

(ii) areas containing nationally vulnerable species or nationally outstanding examples of indigenous community types;

(b) avoiding or remedying any actual or potential adverse effects of activities on the following areas:

(i) outstanding or rare indigenous community types within an ecological region or ecological district;

(ii) habitat important to regionally endangered or nationally rare species and ecological corridors connecting such areas; and

(iii) areas important to migratory species, and to vulnerable stages of common indigenous species, in particular wetlands and estuaries;

(c) protecting ecosystems which are unique to the coastal environment and vulnerable to modification including estuaries, coastal wetlands, mangroves and dunes and their margins; and

(d) recognising that any other areas of predominantly indigenous vegetation or habitats of significant indigenous fauna should be disturbed only to the extent reasonably necessary to carry out approved activities.

Policy 1.1.3 - It is a national priority to protect the following features, which in themselves or in combination, are essential or important elements of the natural character of the coastal environment:

(a) landscapes, seascapes and landforms, including:

(i) significant representative examples of each landform which provide the variety in each region;

(ii) visually or scientifically significant geological features; and

(iii) the collective characteristics which give the coastal environment its natural character including wild and scenic areas;

(b) characteristics of special spiritual, historical or cultural significance to Maori identified in accordance with tikanga Maori; and

(c) significant places or areas of historic or cultural significance.

Policy 1.1.4 - It is a national priority for the preservation of natural character of the coastal environment to protect the integrity, functioning, and resilience of the coastal environment in terms of:

(a) the dynamic processes and features arising from the natural movement of sediments, water and air;

(b) natural movement of biota;

(c) natural substrate composition;

(d) natural water and air quality;

(e) natural bio diversity, productivity and biotic patterns; and

(f) intrinsic values of ecosystems.

Policy 1.1.5 - It is a national priority to restore and rehabilitate the natural character of the coastal environment where appropriate.

- **Purpose of the RMA: Objective 2 achieves the purpose of the Act by;**

a) enabling people to sustain natural character and enhance modified natural character for the enjoyment of future generations.

b) safeguarding the life-supporting capacity of the coastal environment by seeking that ecological functioning is not compromised but rather preserved and enhanced.

c) seeking to avoid adverse effects on natural character by ensuring that areas of high natural character are clearly identified (mapped) so that development within these areas is avoided. Seeks to mitigate or remedy effects in other areas of the coastal environment which may not be identified as 'high' natural character but still have a level of natural character which should be preserved and/or enhanced.

On this basis, Objective 2 is the most appropriate to promote the purpose of the Act, and to address first and second of the regionally significant resource management issues for the coastal environment regarding adverse effects on natural character and ecological functioning of the coastal environment and effects of land use on the regions main harbours.

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

Objective 3 addresses the allocation of structures and activities that may have an adverse effect on the use of public space within the coastal marine area. Objective 3 is the most appropriate way to achieve the purpose of the RMA for the following reasons:

- **Pressure on the allocation of space within the coastal marine area:** The Monitoring and Evaluation report undertaken on the operative RPS identifies that competition for and allocation of space is not recognised in the operative RPS and has potential to become a significant resource management issue for the region especially with the allocation of large scale offshore marine farms. As such the issue needs to be recognised and provided for in the Proposed RPS.
- **RMA mandate for local authorities to manage space allocation within the coastal marine area:** Relevant sub sections to Section 30 “Function of regional councils” for Objective 3 include:
 - 1(d)(ii) - the occupation of space on land of the Crown or land vested in the regional council, that is foreshore or seabed, and the extraction of sand, shingle, shell, or other natural material from that land:
 - 1(d)(vii) - activities in relation to the surface of water:
 - 1(fb)(ii) - the establishment of a rule in a regional coastal plan to allocate space in a coastal marine area under Part 7A
 - 2(a) - the effects on fishing and fisheries resources of occupying a coastal marine area for the purpose of aquaculture activities:
 - 4(e) - the rule may allocate the resource among competing types of activities
- **Matters of National Importance:** Objective 3 promotes the importance of spatial planning of the coastal marine area which provides for the unique uses and values of the coastal environment. In doing so this objective recognises and provides for the following matters of national importance:
 - (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
 - (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
 - (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
 - (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
 - (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
 - (f) the protection of historic heritage from inappropriate subdivision, use, and development:
 - (g) the protection of recognised customary activities.
- **Central Government direction:** The following policies of the New Zealand Coastal Policy Statement 1994 are relevant to Objective 3:
 - Policy 3.1.1 - Use of the coast by the public should not be allowed to have significant adverse effects on the coastal environment, amenity values, nor on the safety of the public nor on the enjoyment of the coast by the public.

Policy 3.1.2 - Policy statements and plans should identify (in the coastal environment) those scenic, recreational and historic areas, areas of spiritual or cultural significance, and those scientific and landscape features, which are important to the region or district and which should therefore be given special protection; and that policy statements and plans should give them appropriate protection.

Policy 3.2.1 - Policy statements and plans should define what form of subdivision, use and development would be appropriate in the coastal environment, and where it would be appropriate.

Policy 3.2.3 - Policy statements and plans should recognise the powers conferred by Section 108 to obtain environmental benefits which will (to a degree) offset environmental damage, by specifying purposes in their plans for which 'financial contributions' can be sought, in cases where there will be unavoidable adverse effects from subdivision, use or development in the coastal environment.

Policy 3.2.4 - Provision should be made to ensure that the cumulative effects of activities, collectively, in the coastal environment are not adverse to a significant degree.

- **Purpose of the RMA: Objective 3 achieves the purpose of the Act by;**
 - a) enabling people to manage activities and structures within the coastal marine area to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations.
 - b) seeking that space within the coastal marine area is allocated in a manner that avoids adverse effects on ecological functioning and safeguards the life-supporting capacity of the coastal environment.
 - c) providing direction so that decisions regarding the allocation of space within the coastal marine area can be made in a manner which avoids, remedies or mitigates adverse effects on the environment and minimises conflicts between activities.

On this basis, objective 3 (in conjunction with objective 4) is the most appropriate to promote the purpose of the Act, and to address the third regionally significant resource management issue – Managing the allocation of a range of competing uses of space within the coastal marine area.

3.3 **Objective 4: Enable use and development in the coastal environment in appropriate locations.**

Objective 4 recognises the importance of some activities (with a functional need to locate in the coastal environment) to the social, economic and cultural wellbeing of people and communities. Objective 4 seeks to enable such activities to occur in appropriate locations which have been identified for that purpose in regional or district plans. Objective 4 also recognises that such activities can be adversely affected by reverse sensitivity effects.

- **Pressure to enable sustainable use and development in appropriate locations within the coastal marine area:** The Operative RPS does not contain a policy specific to enabling or supporting anticipated development in appropriate areas. The Monitoring and Evaluation report does not address the issue of supporting development within specifically identified areas.

Bay Trends 2004 State of the Bay of Plenty Environment report identifies that coastal structures including marine farms have the potential to place pressures on the quality of the coastal marine area. It is therefore important that activities are enabled to occur in appropriate locations in order to minimise adverse effects.
- **RMA mandate for local authorities to enable sustainable use and development of the coastal marine area:** Relevant sub sections to Section 30 "Function of regional councils" for Objective 4 include:

1(fb)(ii) - the establishment of a rule in a regional coastal plan to allocate space in a coastal marine area under Part 7A

(gb) - the strategic integration of infrastructure with land use through objectives, policies, and methods

- **Matters of National Importance:** Enabling sustainable development located in appropriate areas (where natural character has been significantly compromised and/or within recognised development zones such as the port zone or the harbour development zone) recognises and provides for the following matters of national importance:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.

- **Central Government direction:** The following policies of the New Zealand Coastal Policy Statement 1994 are relevant to Objective 4:

Policy 1.1.1 - It is a national priority to preserve the natural character of the coastal environment by:

(a) encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment

Policy 3.2.1 - Policy statements and plans should define what form of subdivision, use and development would be appropriate in the coastal environment, and where it would be appropriate.

- **Purpose of the RMA:** Objective 4 achieves the purpose of the Act by;

Enabling people and communities to provide for their social, economic, and cultural well-being by encouraging spatial planning of the coastal environment to occur and providing support for those activities which were intended to occur within those appropriate locations. This type of strategic spatial planning;

Encourages development to occur in appropriate areas whilst allowing other areas of the coastal environment to remain free from development.

Recognises that the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms and within appropriate limits;

Recognises that some uses and developments which depend upon the use of natural and physical resources in the coastal environment area important to the social, economic and cultural well-being of people and communities;

Seeks to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations by ensuring that activities located in the harbour and coastal waters of the region are appropriate and make the most efficient use of the public space;

Seeks to safeguard the life-supporting capacity of air, water, soil, and ecosystems by promoting strategic planning which takes into account the uses and values of the coastal environment;

Seeks to avoid the adverse effects that these activities would have if they were located inappropriately.

On this basis, Objective 4 (in conjunction with objective 3) is the most appropriate to promote the purpose of the Act, and to address the third regionally significant

resource management issue for the coastal environment – Managing the allocation of a range of competing uses of space within the coastal marine area.

3.4 Analysis of which are the most appropriate objectives

Final chosen objective	Other alternatives?	Why not the most appropriate to achieve the Resource Management Act
<p>Objective 2</p> <p>Preservation and enhancement of the natural character and ecological functioning of the coastal environment</p>	<p>Alternative 1. Do not provide for natural character as this is already provided for under the Matters of National Importance section.</p> <p>Alternative 2. Status quo - adopt objective 9.3.1 from the operative RPS (1999) which seeks to recognise and provide for (in addition to natural character); i) Outstanding natural features and landscapes ii) Areas of significant indigenous vegetation and habitats</p> <p>Alternative 3. Seek only to preserve and enhance 'areas of high natural character'</p> <p>This is an assessment of alternatives to Objective 2 over and above the alternatives assessed in relation to and presented within the Section 32 reports relating to Matters of National Importance, Iwi Resource Management, Integrated Resource Management, Natural Hazards and Urban Form and Growth Management. This evaluation should therefore be considered in conjunction with those other Section 32 reports as they contain further information pertinent to addressing the regionally significant resource management issues concerning the coastal environment.</p>	<p>Alternative 1. Even though natural character is included in the Matters of National Importance section it is considered appropriate to also refer to natural character within this objective as it is the touchstone of all regionally significant issues of concern within the coastal environment.</p> <p>Alternative 2. Objective 9.3.1 of the operative RPS is taken straight from Section 6 of the RMA. Simply repeating sections of the Act is not considered to be the most appropriate way to achieve the Acts purpose.</p> <p>Alternative 3. An objective which focuses only on areas of high natural character within the coastal environment fails to provide for opportunities to restore and enhance areas where natural character has been compromised. This approach also fails to recognise that natural character occurs on a continuum from pristine to modified and that areas which have undergone modification can still have high natural character.</p>
<p>Objective 3</p> <p>Equitable and sustainable allocation of public space within the coastal marine area.</p>	<p>Alternative 1. Seek to manage allocation within the coastal environment rather than just within the coastal marine area.</p> <p>Alternative 2. Remove reference to 'equitable and sustainable'. Seek only to manage the allocation of public space.</p>	<p>Alternative 1. Space within the dry part of the coastal environment (above MHWS) is largely privately owned and therefore while decisions regarding land use and development are made with regard to the land, the land itself is not subject to allocation.</p> <p>Alternative 2. Fails give effect to the purpose of the Act which is the promotion of sustainable management rather than simply management.</p>

	<p>Alternative 3. Status quo – adopt the approach of the operative RPS in not providing specifically for the allocation of space within the coastal marine area.</p>	<p>Alternative 3. Allocation of public space within the coastal marine area has been identified in the S35 Monitoring and Evaluation report (undertaken on the operative RPS) as being an emerging issue and one which requires regional direction and guidance. Large areas of the coastal marine area have been granted to aquaculture activities in recent years and the growth of this sector is expected to continue. Strategic spatial management is required to minimise conflicts and ensure efficient use of natural and physical resources.</p>
<p>Objective 4 Enable use and development in the coastal environment in appropriate locations.</p>	<p>Alternative 1. Status quo – adopt the approach of the Operative RPS in not providing specifically for enabling use and development to occur in appropriate locations</p> <p>Alternative 2. Restrict to ‘coastal marine area’ rather than making applicable to whole of the coastal environment</p>	<p>Alternative 1. Fails to provide for the enabling portion of the Acts purpose and by doing so puts more development pressure on areas which are not considered appropriate.</p> <p>Alternative 2. Fails to provide for an integrated approach to the whole of the coastal environment above and below mean high water springs. Many activities that need to be located in the wet part of the coastal environment have associated infrastructure which also requires a coastal location.</p>

4 Evaluation of policies and methods to achieve Objective 2

The appropriateness of the policies and methods to achieve Objective 2 are evaluated by looking at the effectiveness, the risks or acting or not acting and the efficiency of the policy and method options.

4.1 Range of policy and method options considered

Objective 2 addresses activities that may have an adverse effect on the natural character and ecological functioning of the coastal environment.

In addressing this objective, the primary focus is to determine whether it can be best achieved by providing broad regulatory direction to plans or by providing specific direction as to matters to be considered when making resource management decisions, or through non-regulatory programs, or by doing nothing.

This is an assessment of policy options to achieve Objective 2 over and above the alternatives assessed in relation to and presented within the Section 32 reports relating to Matters of National Importance, Iwi Resource Management, Integrated Resource Management, Natural Hazards and Urban Form and Growth Management. This evaluation should therefore be considered in conjunction with those other Section 32 reports as they contain further information pertinent to addressing the regionally significant resource management issues concerning the coastal environment.

4.1.1 Broad direction to district and/or regional plans

Option 1 - Direct plans to identify the landward extent of the coastal environment

This option requires district plans to identify the landward extent of the coastal environment using specified criteria.

Option 2 - Identify the landward extent of the coastal environment within the RPS

This option requires the RPS to contain maps which identify the extent of the coastal environment.

Option 3 - Direct plans to identify and protect specific values of sites/areas using criteria derived from RPS

This option seeks to preserve the natural character and ecological functioning of the coastal environment by requiring that regional and district plans identify and protect significant values of specific areas. The RPS provides the criteria for determining the values.

Option 4 - Specific sites are identified and protected within the RPS

This option seeks to preserve the natural character and ecological functioning of the coastal environment by including particular sites and areas within the RPS (in maps or schedules).

Option 5 - Direct plans to prescribe values to be protected generically and not identify where they are

This option requires regional and district plans to protect particular values but does not require plans to identify or map specific areas where these values are located.

Option 6 –Direct plans to encourage restoration of natural character and/or ecological functioning in specific areas

This option directs district and regional plans to identify opportunities to restore natural character or functioning such as natural coastal margins in order to preserve their capacity to provide a buffer from natural hazards.

4.1.2

Specific direction on matters to be given particular regard to, in resource management decision making

Option 7 – Direction to consider specific criteria to avoid adverse effects on the natural character of the coastal environment

This option requires local authorities to have particular regard to specified criteria when making resource management decisions in order to ensure avoidance of adverse effects on natural character.

4.1.3

Guidance

Option 8 – Provide information and support for community restoration programmes

This option seeks to support community based programmes that contribute to restoring and enhancing natural character and ecological functioning and providing advice on avoiding adverse effects. For example, the Coast Care and Estuary Care programmes.

Option 9 – Integrating management across mean high water springs

This option aims to integrate local authority management across the jurisdictional boundary of mean high water springs.

4.1.4

Do nothing

Option 10 – No intervention

In this option, there is no intervention, either regulatory or non-regulatory to preserve the significant values that contribute to the natural character and ecological functioning of the coastal environment.

4.2 Evaluation as to the effectiveness and efficiency of the policy and method options to achieve Objective 2

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
Broad direction to district and/or regional plans					
<p>Option 1</p> <p>Direct district plans to identify the landward extent of their coastal environment using criteria</p>	<p>Would provide certainty about where exactly the coastal environment extends.</p> <p>Effective in setting out the criteria to be applied, but specific decision making on the extent of the line would be determined at the local level.</p> <p>Effective in that it will provide certainty regarding where the coastal policies apply and where they do not.</p> <p>Directing districts to map the coastal environment may create inconsistencies in terms of how the criteria are applied. For example how urban areas are dealt with may vary dramatically between districts.</p> <p>Identification by district plans would not be required until 2 years after the RPS become operative so effectiveness would be delayed.</p> <p>Gives effect to NZCPS policies 1.1.1, 1.1.3, 3.2.1 and 3.2.2</p>	High	<p><u>Environmental</u></p> <p>Provides a consistent framework for assessing development across the region.</p> <p>Encourages awareness about the unique values pertaining to the coastal environment.</p> <p>Provides some certainty over which areas have values that lie within the coastal environment and are subject to certain restrictions.</p> <p><u>Social</u></p> <p>Each district has ownership over how the criteria are applied within its boundaries.</p> <p>Each community agrees to their own boundaries within which any subsequent protection or restrictions may be imposed through the plan making process.</p> <p>Provides some certainty for community & developers as to what is in and what is out of the coastal environment however there is still potential for inconsistencies over interpretation of criteria between districts.</p>	<p><u>Environmental</u></p> <p>Environmental values may be compromised through inconsistent application of the criteria between districts.</p> <p><u>Economic</u></p> <p>There are significant economic costs for councils and communities associated with policy development and implementation, including costs of region/district wide research and investigations, analysis, interpretation, consultation, governance and decision making processes to formulate and thence to establish and implement the consequent regulatory framework, which must be designed so as to give effect to the regional policy statement.</p> <p>Substantial cost of interpreting the criteria and defining the effected land on planning maps. Process could be contentious.</p> <p>Potentially higher costs to least resourced district councils with least amount of subdivision and development pressure within coastal environment.</p> <p>District plans would be required to implement the policy and therefore</p>	No

				<p>incur the costs within 2 years of the RPS becoming operative.</p> <p>There are potential opportunity costs for affected landowners, developers or those undertaking activities, although these may be offset by opportunities associated with establishing clear and certain provisions within which to plan development in the coastal environment.</p> <p><u>Social</u></p> <p>There are potentially high social costs when engaging the community in consultation about a lot of particular values and in relation to many sites.</p>	
<p>Option 2</p> <p>The RPS identifies the landward extent of the coastal environment</p>	<p>Effective at providing clear and certain parameters for the coastal environment</p> <p>Effective at providing and maintaining regional consistency.</p> <p>Cost effective - Regional Council must find resources for one study as opposed to each district funding the determination of parameters for their own stretch of coastal environment.</p> <p>Immediately effective – Maps to be included in RPS which regional and district plans must give effect to.</p> <p>Gives effect to NZCPS policies 1.1.1, 1.1.3, 3.2.1 and 3.2.2</p>	High	<p><u>Environmental</u></p> <p>Provides a consistent framework for assessing development across the region.</p> <p>Provides region-wide consistency of interpretation of criteria.</p> <p>Provides certainty over which land lies within the coastal environment</p> <p>Assists in discouraging inappropriate development in the coastal environment.</p> <p><u>Economic</u></p> <p>Less information is required for individual consent applications as it is not necessary to ascertain whether a proposal lies within the coastal environment.</p> <p><u>Social</u></p> <p>The region as a whole agrees to the boundary within which subsequent</p>	<p><u>Environmental</u></p> <p>Potential cost if lines are placed incorrectly and fail to include vulnerable coastal ecosystems or landscapes.</p> <p><u>Economic</u></p> <p>Regional council carries entire cost of applying the criteria and mapping the coastal environment. These costs would be incurred immediately.</p> <p><u>Social</u></p> <p>Potential opportunity costs for landowners, developers or those undertaking activities although these may be offset by opportunities associated with establishing clear and certain provisions within which to plan development in the coastal environment.</p>	Yes

			<p>protection or restrictions may be imposed through the plan making process.</p> <p>Increases community awareness of the distinct issues facing the coastal environment.</p>		
<p>Option 3</p> <p>Direct plans to identify and protect values that contribute to the natural character and ecological functioning of specified sites using criteria provided by the RPS.</p>	<p>Sets a clear direction for regulatory provisions, both in terms of intent (values are to be protected and sites identified) and in terms of the relevant criteria to be used.</p> <p>Establishes region-wide accepted criteria which can be used to develop more specific policies/rules around preserving natural character and ecological functioning at a local level.</p> <p>Requires all pertinent plans to promote certain policy and related actions (rules and/or methods); sets out specific principles to be applied to protect natural character and ecological functioning.</p> <p>Promotes a level of certainty for individual applicants, the community of interested parties, and for councils about the significant values associated with the natural character and ecological functioning of the coastal environment, which are to be preserved.</p> <p>Increases ability to critique provisions and rationales within plan making processes, and increases understanding of relevant factors.</p> <p>Effects based – enables activities to be managed according to their effects on the values contributing to natural character and ecological functioning of an area.</p> <p>The intervention will be far reaching, covering the whole coastal environment within the region.</p> <p>Environmentally and economically efficient in avoiding the adverse effects upon particular</p>	High	<p><u>Environmental</u></p> <p>Resource management decisions are still made on a case by case basis at the local level, but within a consistent policy framework across the region for the region’s coastal environment.</p> <p>Provides a consistent framework across the region, within which to evaluate the appropriateness of development in the coastal environment.</p> <p><u>Economic</u></p> <p>Increases clarity and certainty for all interested parties, as to where significant values lie and for resource management decision making</p> <p>The provision is applied district and region wide, and so less information is required for individual consent applications.</p> <p><u>Social</u></p> <p>Regulatory intervention is able to reduce the influence of both known and ‘unknown’ quantities upon the resource management process. Predictability promotes more rapid, unimpeded and streamlined process, as resource management results or responses to specific triggers can be anticipated or are able to be</p>	<p><u>Environmental</u></p> <p>Potential generalised environmental costs as only the regionally significant values will be identified, and more extensive but lesser quality examples of the values may not be protected.</p> <p><u>Economic</u></p> <p>There significant economic costs for councils and communities associated with directing policy development and implementation, including costs of region/district wide research and investigations, analysis, interpretation, consultation, governance and decision making processes to formulate, establish and implement the consequent regulatory framework, which must be designed so as to give effect to the RPS.</p> <p>The cost would be incurred within 2 years of the RPS becoming operative</p> <p>There are potential opportunity costs for affected landowners, although these may be offset by opportunities associated with the recognition and provision of significant values in association with property in the coastal environment.</p> <p><u>Social</u></p> <p>There are potentially high social costs</p>	Yes

	<p>significant values.</p> <p>The effectiveness of this option depends on the timing of this provision being given effect through plans, so implementation will be may delayed as regional plans are required to implement at earliest possible opportunity. As that is the case, an interim provision will fill the gap, by requiring consideration of specified matters until the maps can be included within regional and district plans.</p> <p>Gives effect to NZCPS policies 1.1.2, 1.1.3, 1.1.4, 3.1.2, 3.1.3, 3.2.1, 3.2.2, 3.2.7, 3.2.8, 3.4.3, 3.4.4, 3.4.5 & 3.4.6</p>		<p>predicted.</p> <p>The community assists in identifying where significant values are located (identification) and in developing the various specific protection mechanisms or restrictions through the plan making process.</p> <p>The plan making process promotes public buy-in to the values, where they are located, and the restrictions deemed necessary for protecting them.</p> <p>Increases community confidence in council as there will be observable activity to address the issue, and to identify and protect significant values associated with the coastal environment in particular places.</p>	<p>including the risk of submitter fatigue, associated with plan changes that require a high level of engagement and community consultation about a lot of particular values and in relation to many sites.</p>	
<p>Option 4</p> <p>Specific sites are identified and protected within the RPS.</p>	<p>Gives clear direction for future use and development, as to where not to go.</p> <p>Inclusion within RPS would give immediate protection</p> <p>However, the sites and areas able to be listed, depend on the quality of current information about those locations. Other locations may host similarly significant values, but are not yet well enough known about for inclusion in the Regional Policy Statement. The RPS may require updating if further information about locations is later obtained.</p> <p>Gives effect to NZCPS policies 1.1.2, 1.1.3, 1.1.4, 3.1.2, 3.1.3, 3.2.1, 3.2.2, 3.2.7, 3.2.8, 3.4.3, 3.4.4, 3.4.5 & 3.4.6</p>	<p>High</p>	<p><u>Environmental</u></p> <p>This option would clearly identify sites of significance across the region in terms of natural character and ecological functioning and provide certainty in relation to restrictions on the use and development of these sites.</p> <p><u>Economic</u></p> <p>Provides certainty for present and future development as sites scheduled in the RPS are unable to be altered by private plan change.</p> <p><u>Social</u></p> <p>Promotes confidence that sites of significance will be well protected.</p>	<p><u>Environmental</u></p> <p>The level of certainty provided by including sites in the RPS is dependant on the level and quality of information available at the time of drafting the RPS as any sites left out of schedule would detract from perception of robustness and would require an ability to reassess the schedule as more information comes to light.</p> <p><u>Economic</u></p> <p>Regional council carries the entire cost of assessing the natural character of the coastal environment and including sites of significance within RPS. These costs would be incurred immediately.</p> <p>There are flow-on costs for district councils associated with policy development and implementation and</p>	<p>Yes</p>

				<p>decision making processes to establish and implement the consequent regulatory framework, which must be designed so as to give effect to the RPS.</p> <p>There are potential opportunity costs for affected landowners, although these may be offset by opportunities associated with the recognition and provision of significant values in association with property in the coastal environment.</p> <p><u>Social</u></p> <p>There are potentially high social costs when engaging the community in region-wide consultation about a lot of particular values and in relation to many sites.</p> <p>Potentially high litigation costs incurred when protecting specific sites within the RPS as protected sites are not able to be later amended/removed by private plan change.</p>	
<p>Option 5</p> <p>Direct plans to protect generic values without requiring identification (mapping) of where these values are located.</p>	<p>Identifies the parameters considered relevant in the protection of natural character and ecological functioning.</p> <p>Requires district & regional plans to consistently promote certain actions, as they are required to "give effect to" the RPS.</p> <p>Not as effective as requiring identification of where significant values are located. This option could allow for the inclusion of more values (e.g. recreation or scientific) because the option would not necessitate resource intensive identification investigations or mapping of locations of values.</p>	Low	<p><u>Environmental</u></p> <p>Increases awareness in terms of relevant aspects to be protected, but does not provide clarity or certainty as to where they might be located.</p> <p>Provides a consistent framework for assessing development across the region against specific criteria.</p> <p><u>Economic</u></p> <p>Economical benefits as the values would have to be identified and effects on them addressed on a case</p>	<p><u>Environmental</u></p> <p>Unidentified values may be missed or inadvertently damaged by development resulting in potential environmental costs.</p> <p>Environmental cost if criteria are open to interpretation resulting in practical protection being less certain.</p> <p><u>Economic</u></p> <p>More information is required for individual consent applications as each activity would need to be assessed</p>	No

	<p>Lack of certainty because of lack of identification and mapping of values. Potential for inadvertent degradation of values through lack of knowing where they are or the effects of activities on them.</p> <p>Gives effect to NZCPS policies 1.1.2, 1.1.4, 3.1.1, 3.1.3, 3.2.2, 3.2.8</p>		<p>by case basis, as and when development is proposed.</p> <p>No costs for identification and mapping.</p> <p><u>Social</u></p> <p>Less social cost for engaging the community on values in general rather than about specific sites.</p> <p>Public buy-in to the values and the necessary restrictions for protecting them is easier to get as it less obvious who might be affected.</p> <p>Enables the community to assist in developing the various specific protection mechanisms or restrictions through the plan making process, but not in the identification of where each value is located.</p>	<p>against each criteria. Potential for subjective value judgements to be made when assessing whether values applicable to locations</p> <p>Opportunity cost for affected landowners only invoked when an actual proposal is made.</p> <p><u>Social</u></p> <p>Less confidence that sites of significance will be effectively protected.</p>	
<p>Option 6</p> <p>Direct plans to encourage restoration of natural character and ecological functioning.</p>	<p>Would require regional coastal plan to identify locations where natural character or ecological functioning (i.e. buffering capacity of coastal margins) has been impeded and then to establish a policy framework by requiring plans to promote certain policies, rules and/or methods (as actions) across the region.</p> <p>In terms of ecological functioning it provides certainty by establishing which areas are vulnerable and in need of restoration efforts.</p> <p>Provides regulatory support for restoration initiatives such as Coast Care and Estuary Care.</p> <p>Gives effect to NZCPS policies 1.1.5, 3.4.3</p>	<p>High</p>	<p><u>Environmental</u></p> <p>Increases clarity and certainty in terms of the values to be protected, where they are located and the reasons for protecting them.</p> <p>Increases the weight behind community programmes such as Coast Care.</p> <p><u>Economic</u></p> <p>Efficient use of information - much of the information required to identify and protect vulnerable coastal margins is already available to council.</p>	<p><u>Environmental</u></p> <p>Identifying specific areas of vulnerability in plans risks the information becoming out of date or requiring to be continually updated.</p> <p>Identification and targeting of some areas may mean they are protected/restored at the risk of other areas and risk other areas being overlooked.</p> <p><u>Economic</u></p> <p>There are potential opportunity costs for affected landowners with properties adjacent to identified areas.</p>	<p>Yes</p>

			<p>Efficient use of funds – identification of vulnerable areas helps ensure funds are targeted at the right areas where a difference can be made.</p> <p><u>Social</u></p> <p>Increases public awareness regarding the values of coastal margins, their role in buffering coastal hazards and their vulnerability to damage.</p> <p>Increases social awareness regarding the preference for improving natural coastal defences over hard protection works.</p> <p>Identification of certain vulnerable areas in Regional Coastal Environment Plan enables public buy-in to be obtained during the plan change process and may promote private community action and support.</p>	<p>There are flow-on costs for district councils associated with policy development and implementation and decision making processes to establish and implement the consequent regulatory framework, which must be designed so as to give effect to the RPS.</p> <p><u>Social</u></p> <p>There are potentially high social costs when engaging the community in consultation about a lot of particular values and in relation to many sites.</p>	
Specific direction on matters to be given particular regard to, in resource management decision making					
<p>Option 7</p> <p>Directs decision makers to have particular regard to specific criteria to avoid adverse effects on the natural character of the coastal environment.</p>	<p>Controlling natural character through the resource consent process would mean some matters would be given “particular regard” when considering resource consents and notices of requirements.</p> <p>Particular regard can only be given to specified values if plans specify that certain activities require resource consent and if the ‘activity status’ provides for consideration of the specified values during decision making.</p> <p>Provides direction on managing resources across the region but enables specific decision making to be determined at the local level.</p>	Med	<p><u>Environmental</u></p> <p>The effects of a particular proposal are considered against specified matters which provide increased clarity and certainty for all interested parties.</p> <p>Provides a consistent framework within which to assess or evaluate development or activities across the region.</p> <p>The environmental benefits are unlikely to be as high as when directing plans, as the requirement</p>	<p><u>Environmental</u></p> <p>Some effects may be unable to be mitigated but may be out-weighted by positive effects in other areas</p> <p>Potential environmental cost if decision balances values and some are compromised in order to protect others.</p> <p>Some criteria may be open to interpretation and thus protection may fail if applicants can successfully argue the interpretation of criteria</p> <p><u>Economic</u></p>	Yes

	<p>Unlikely to be effective by itself when considering applications as some values may be open to interpretation.</p> <p>Effective at providing interim protection on individual decision basis until codified protection is built into the plan.</p> <p>Effective as can include more values and considerations than those specifically identified in site mapping.</p> <p>Effective because considerations are for a particular proposal with specified effects on a specified site, rather than broad generalised considerations.</p> <p>Gives effect to NZCPS policies 1.1.1, 1.1.2, 1.1.3, 1.1.4, 3.2.2, 3.2.8, 3.3.1</p>		<p>'to give particular regard' is not as strong, and will only apply in certain, specified circumstances where a consent is triggered and depends on the activity status of the consent.</p> <p><u>Economic</u></p> <p>Requires development to address specified matters which limits the factors to be addressed by the proposal.</p> <p><u>Social</u></p> <p>Effects based - proposals have the opportunity to work with or around the values by mitigating effects with a potential win-win outcome.</p> <p>Potential for greater degree of public buy-in as specific areas of high natural character are not being identified and therefore it less obvious who might be affected.</p>	<p>Cost only would be born more by some proposals due to the activity status of applications and the matters over which discretion or control is reserved.</p> <p>Costs lie with the developer as applications have to address matters specifically on a case by case basis.</p> <p>More values to be addressed mean more identification and analysis, and potentially more resources in redesign to accommodate those values.</p> <p><u>Social</u></p> <p>Social cost to community required to be vigilant in examining each proposal to ensure the values are not compromised. May result in submitter fatigue.</p>	
Guidance options					
<p>Option 8</p> <p>Provide support for community based programmes that contribute to natural character and provide advice on how to avoid adverse effects</p>	<p>Can be highly effective if relevant local authorities commit to continued support/resourcing of programmes.</p> <p>Effective in raising community awareness and understanding of how certain values and activities can contribute to or detract from natural character and ecological functioning.</p> <p>However, there is no obligation to follow through using this approach alone, so needs to be combined with regulatory tools.</p> <p>Gives effect to NZCPS policies 1.1.5, 3.2.10, 3.4.3</p>	<p>Med</p>	<p><u>Environmental</u></p> <p>Literature/information regarding the values of the coastal environment could beneficially influence design of proposals which avoid, remedy or mitigate adverse effects.</p> <p>Information could increase community appreciation of the values and their involvement and buy-in towards their protection.</p> <p><u>Economic</u></p> <p>Allows for flexibility of approach rather than imposition of regulatory</p>	<p><u>Environmental</u></p> <p>Costs to the environment (as a stand alone option) include lack of enforceability and no certainty of compliance and enforcement; particular values are still not identified; principles could be incorrectly applied; and the values could be targeted for damage or destruction.</p> <p><u>Economic</u></p> <p>As stand alone option does not require cost outlay associated with specific identification of values, but there is the</p>	<p>Yes</p>

			<p>policies.</p> <p>Economically efficient if financial support stimulates private effort.</p> <p><u>Social</u></p> <p>Recognises that people can “do the right thing” without compulsion. Could engender a more positive and cooperative response from developers because it is voluntary.</p>	<p>cost of preparing, printing and distributing information and otherwise supporting community groups.</p> <p><u>Social</u></p> <p>Potentially for community groups to feel responsibility for doing all the work. Important that the work of the community groups is supported by regulatory tools.</p>	
<p>Option 9</p> <p>Promoting collaboration between agencies with management functions within the coastal environment</p>	<p>Could be effective if all relevant local authorities commit to this non regulatory action.</p> <p>Not certain that the actions will be achieved and can be appropriately resourced.</p> <p>May not be effective in influencing private developments</p> <p>Some values, particularly ecological, geological and historic heritage values may extend across the MHWS jurisdictional boundary. Both sides of a particular value need protection, and this should be coordinated between district and regional councils to be effective.</p> <p>Gives effect to NZCPS policy 3.2.9, 3.3.2, 4.1.1, 4.1.2</p>	High	<p><u>Environmental</u></p> <p>Coordinated management will best identify and protect values that extend across mean high water springs.</p> <p>Promotes the adoption of a whole of catchment view towards the management of resources.</p> <p><u>Economic</u></p> <p>Potential efficiencies resulting from information sharing between agencies.</p> <p><u>Social</u></p> <p>Allows for flexibility of approach rather than imposition of regulatory policies.</p> <p>Increases awareness about the importance of integrated management of the coastal environment and the impact that land uses have on this receiving environment.</p>	<p><u>Environmental</u></p> <p>Potential environmental costs if jurisdictional responsibilities become blurred.</p> <p><u>Economic</u></p> <p>There is an organisational cost to coordination – effort has to be made and processes set up to manage the connection between councils and other agencies with management responsibilities.</p> <p><u>Social</u></p> <p>Potential for coordination approach to be seen as a waste of time and resources if equal commitment is not made by all parties to achieve measurable results.</p>	Yes
Do Nothing					

<p>Option 10 No regulatory or non-regulatory actions to preserve the natural character or ecological functioning of the coastal environment</p>	<p>The do nothing option provides that we do not explicitly know all the values contributing to the natural character of the coastal environment everywhere on the coast.</p> <p>Values are likely to continue to be compromised or destroyed, either within the development site (for example, earthworks damaging a geological feature) or as part of a broader context (for example, access way intruding on an outstanding landscape).</p>	<p>Low</p>	<p><u>Economic</u></p> <p>There would be no resource management intervention to identify the nature and extent of values contributing to natural character of the coastal environment. This would reduce economic costs and time to process land use and development consents.</p> <p>Reduced requirements for consents would result in development and industry growth in the short term.</p> <p><u>Social</u></p> <p>No controls or intervention would enable people to prioritise the utilisation of natural resources to provide for social, cultural and economic wellbeing without having to balance these against environmental wellbeing and sustainability.</p>	<p><u>Environmental</u></p> <p>The pressures of subdivision, use and development will continue and may increase. There is a very high risk that the values contributing to natural character will continue to be compromised intentionally or inadvertently, and may be lost. The objective will not be achieved.</p> <p>Doing nothing will not achieve the purpose of the Resource Management Act.</p> <p><u>Economic</u></p> <p>Loss of natural character in the coastal environment has the potential to detrimentally affect the regions domestic and international reputation as a tourism destination.</p> <p><u>Social</u></p> <p>Tourism downturn would have flow-on affects on the community in terms of regional spending and would affect the enjoyment of the coastal environment currently derived by Bay of Plenty residents.</p>	<p>No</p>
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4.3 Results of evaluation as to the most appropriate policy and method options to achieve objective 2

Policy and method options	Factors contributing to effectiveness ¹	Efficient?	Selected (most appropriate) option(s)(tick or cross)	Proposed policies and methods
Broad direction to district and/or regional plans				
Option 1 Direct plans to identify the landward extent of the coastal environment using criteria provided by the RPS	High	No	✘	
Option 2 Identify the landward extent of the coastal environment within the RPS	High	Yes	✓	Policy CE 1A Method 2
Option 3 Direct plans to identify and protect values that contribute to the natural character and ecological functioning of specified sites using criteria provided by the RPS	High	Yes	✓	Policies CE 2A& CE 4A Methods 1, 2, 6
Option 4 Including specific sites/areas within the RPS	High	No	✘	
Option 5 This option requires regional and district plans to protect particular values but does not require plans to identify or map specific areas where these values are located.	Low	No	✘	
Option 6 Direct plans to encourage restoration of natural character and ecological functioning.	High	Yes	✓	Policy CE 4A Methods 1, 2, 52
Specific direction on matters to be given particular regard to, in resource management decision making				
Option 7 Directs decision makers to have particular regard to specific criteria to avoid adverse effects on natural character	Med	Yes	✓	Policy CE 6B, CE 7B, CE 8B, CE 9B & CE 10B Method 3
Guidance				
Option 8 Provide support for community based programmes that contribute to restoration of natural character	Med	Yes	✓	Methods 26 & 54
Option 9	High	Yes	✓	Policy CE 1A

¹ Effectiveness becomes the net value of an assessment of the relative difference between options in terms of their ability to influence or deliver intended outcomes.... The have great or widespread effect versus being of marginal or limited effect.

Promoting collaboration between agencies with management functions within the coastal environment				Methods 29, 31, 34, 35, 38
Do nothing				
Option 10 No regulatory or non-regulatory actions to preserve the natural character of the coastal environment	Low	No	✘	

4.3.1 Discussion on selected options

The preservation of the natural character of the coastal environment is a matter of national importance. Each of the natural values that contribute to natural character are therefore very important and many of these have already been compromised to varying extents. The pressure of inappropriate subdivision, use and development is ever present in the coastal environment and is predicted to increase over time. Many of the habitats and features that have significant values have not been specifically identified or recognised. There is a very high risk of degradation and loss of these values if no action is taken.

It is considered that the most appropriate way to achieve objective 2 and address the coastal environment issues 1 and 2 is a mix of targeted broad and specific options, directing district and/or regional plans, and considerations to be undertaken within resource management decision making. These regulatory options are supported and complemented by two non-regulatory actions (guidance).

The mix of regulatory options considered appropriate includes options 2, 3 & 6. Under option 2 the Regional Council would take responsibility for clearly identifying the landward extent of the coastal environment and maps defining the area would be included within the Regional Policy Statement.

Given that the extent of the coastal environment will be defined, Option 3 then directs plans to protect specified significant values contributing to natural character within this defined area and clearly identify where these values are located. Under this option, the RPS provides guidance by way of establishing the criterion to be used.

Option 6 directs plans to encourage the restoration of natural character and ecological functioning within the coastal environment.

Policies CE 1A, CE 2A and CE 4A and methods 1, 2, 6 and 52 of the PRPS all fall within the selected options for plan direction.

As it will take time for each of these provisions to be given effect in plans, it is appropriate to also include a requirement to consider each of the specified matters during considerations on resource management decisions. Options for specific consent considerations are discussed in Option 7 and cover policies CE 6B, CE 7B, CE 8B, CE 9B & CE 10B as well as method 3.

There is also a requirement to give effect to the operative New Zealand Coastal Policy Statement (NZCPS).

- Option 2 gives effect to NZCPS policies 1.1.1, 1.1.3, 3.2.1 and 3.2.2
- Option 3 gives effect to NZCPS policies 1.1.2, 1.1.3, 1.1.4, 3.1.2, 3.1.3, 3.2.1, 3.2.2, 3.2.7, 3.2.8, 3.4.3, 3.4.4, 3.4.5 & 3.4.6
- Option 6 gives effect to policies 1.1.5, 3.4.3
- Option 7 gives effect to NZCPS policies 1.1.1, 1.1.2, 1.1.3, 1.1.4, 3.2.2, 3.2.8, 3.3.1

Two non-regulatory options are also included within the mix, to support and complement the regulatory options as well as voluntary action. The guidance options considered most appropriate to address the issue and achieve the objective are options 8 and 9.

Option 8 (methods 26 and 54) seek to provide support for community based programmes that contribute to restoration and enhancement of natural character and provide advice on how to best avoid adverse effects. This option is appropriate, as it provides a vehicle to establish and support highly successful community based programmes such as Coast Care, Estuary Care and Enviroschools. Option 8 gives effect to NZCPS policies 1.1.5, 3.2.10 and 3.4.3.

Option 9 seeks to facilitate better coordination between agencies to protect the integrity of values that cross the jurisdictional boundary of mean high water springs. This option covers policies Policy CE 1A and methods 29, 31, 34, 35, 38. Option 9 gives effect to NZCPS policy 3.2.9, 3.3.2, 4.1.1 and 4.1.2.

While these non-regulatory options would likely be of marginal effect and efficiency as stand alone options, their effectiveness is significantly enhanced when utilised in conjunction with the regulatory provisions requiring identification of specific values and areas within the coastal environment. Indeed they might almost be considered a necessary adjunct to the mix of regulatory options selected as most appropriate to achieve the objective, as they will assist in managing the regulatory processes with the community. However, these options do not stand alone. They are intended to complement what can be achieved through regulation, by providing support for voluntary, community based and integrated action towards achieving Objective 2.

Options Not Selected

Option 4, to specify the areas to be protected within the RPS, is not selected because of the lack of certainty in terms of achieving a comprehensive schedule within the timeframes available. Overall this option is assessed as being less efficient and effective than option 3 which sees the identification of particular key values, using specified criteria provided by the RPS, and the protection of these values in planning maps.

Option 5, to describe values generically and not identify where they are is also not selected, as it could lead to conflicting methodologies and would be open to varying interpretations as to what the generic values mean and divergent opinions as to whether the values apply to particular areas. This option would result in an ad hoc approach to protection. Not identifying where values are, lacks certainty and clarity and leaves protection open to conflict through differing interpretations. Therefore option 5 is assessed as being less effective and efficient than both options 3 and 4, and does not achieve Objective 2.

Option 10 (doing nothing) has been assessed as failing to achieve the objective. While the cost to the developer is minimal, the environmental cost is very high and would result in further degradation of the values contributing to natural character and ecological functioning. Loss of natural character in the coastal environment has the potential to detrimentally affect the regions domestic and international reputation as a tourism destination which would have negative flow-on effects within the community in terms of the regional economy, amenity and enjoyment of our environment.

4.4 Risk of acting or not acting if information is uncertain or insufficient

The risk of acting, in the context of poor information of the values, was assessed as being low. While acting on poor information may result in the protection of some inappropriate areas. The highest risks are either;

- i) overlooking specific areas which are worthy of protection, when identifying areas in plans or
- ii) including areas which are unjustified and will have opportunity costs for landowners.

In terms of the plan direction policies, there will be opportunity for landowners and other affected parties to voice concerns or support during the plan making process which minimises the risk of unjustified sites being afforded protection in plans. Including the information in regional and district plans means that it is still open to public challenge via a plan change request if values of a site were to change for any reason. The consideration policies minimise this risk by directing that the values are assessed individually for each site subject to a resource consent application during the application process.

The risk of not acting has been assessed as very high. Not acting would fail to achieve the objective. Policy 3.3.1 of the NZ Coastal Policy Statement sets clear direction in relation to adopting a precautionary approach even when there is a relative lack of understanding of effects. The precautionary approach promotes taking action to preserve values even where information is uncertain or insufficient.

5 Evaluation of policy and methods to achieve Objective 3

5.1 The range of policy and method options considered

Objective 3 addresses the allocation of public water space within the coastal marine area for structures and activities that require a coastal location and may have an adverse effect on the use and enjoyment of that space by the public. Objective 3 seeks the equitable and sustainable allocation of public space within the coastal marine area.

In addressing this objective, the primary focus is to determine whether it can be best achieved through regulatory direction to plans or through regulatory direction as to matters to be considered when making resource management decisions, or through non-regulatory programs, or by doing nothing.

5.1.1 Broad direction to district and/or regional plans

Option 1 - Direct regional and district plans to determine where development is appropriate within the coastal environment

This option directs regional and district plans to identify where natural character has been compromised and to state that development is only appropriate within those areas.

Option 2 - Direct the relevant regional plan to identify and map constraints to use and development in the coastal marine area

This option requires the Regional Coastal Environment Plan to identify constraints to development and use presented by current and anticipated uses and values of the coastal marine area.

5.1.2 Specific direction on matters to be given particular regard to, in resource management decision making

Option 3 - Direction to consider specific criteria when making decisions regarding the allocation of space within the coastal marine area

This option requires local authorities to have particular regard to specified criteria when making resource management decisions regarding the allocation of space within the coastal marine area.

Option 4 – Direction to consider the cumulative and precedent effects of use and development

This option requires local authorities to consider the cumulative and precedent effects of granting consents within the coastal environment.

5.1.3

Guidance

Option 5 – Integrating management across mean high water springs

This option uses non-regulatory actions such as memoranda of understanding and non-statutory management plans to integrate local authority management across mean high water springs.

Option 6 - Direct plans to encourage imposing economic instruments to mitigate unavoidable adverse effects generated by the use of public space in the coastal marine area

This option requires the Regional Coastal Environment Plan to investigate and impose if appropriate, the use of economic instruments to mitigate unavoidable adverse effects generated from the allocation of public space within the coastal marine area.

5.1.4

Do nothing

Option 7 – Provide no regulatory or non regulatory direction on the allocation of space within the coastal marine area.

This option provides no type of intervention or guidance in terms of how the allocation of public space below Mean High Water Springs should be prioritised.

5.2 Evaluation as to the effectiveness and efficiency of the policy and method options to achieve Objective 3

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
Broad direction to district and/or regional plans					
<p>Option 1</p> <p>Direct the relevant regional plan to identify and map constraints to use and development in the coastal marine area</p>	<p>Effective in identifying specific areas in the coastal marine area with values and uses which are incompatible with development or alternative uses.</p> <p>Effective at providing clear direction for allocation of space within the coastal marine area</p> <p>Effective at providing regional consistency as the information would be housed in the Regional Coastal Environment Plan</p> <p>Cost effective - Regional Council has already initiated this work in anticipation of a plan change for aquaculture management. This work was funded by Central Government through the Aquaculture Planning Fund.</p> <p>Effectiveness directly related to the quality and robustness of the data.</p> <p>Effective in that community buy-in to support the data can be gained through the plan making process.</p> <p>Gives effect to NZCPS policies 1.1.1, 1.1.2, 1.1.3, 2.1.2, 3.1.1, 3.1.2, 3.1.3, 3.2.1, 3.2.2</p>	<p>High</p>	<p><u>Environmental</u></p> <p>Resource management decisions are made within a consistent policy framework across the region for the region's coastal marine area.</p> <p>Increases certainty regarding potential conflicts prior to coastal permit application being lodged</p> <p>Discourages ad-hoc development.</p> <p><u>Economic</u></p> <p>In relation to the coastal marine area some of the cost required to investigate and identify uses and values has already been incurred during for aquaculture planning project and were funded through the Aquaculture Planning Fund. The costs to review this information and incorporate it into the Coastal Plan do not need to be incurred until the Coastal Plan is reviewed, which will reduce compliance costs.</p> <p>Increases certainty of outcome which promotes a rapid, unimpeded and streamlined consenting process and decreases costs.</p> <p>Reduces costs and resources required to process applications with</p>	<p><u>Environmental</u></p> <p>Values and uses may change over time providing difficulty in capturing up-to-date information at all times.</p> <p>Time delay involved in incorporating uses and values into Regional Coastal Environment Plan.</p> <p><u>Economic</u></p> <p>High cost for councils and communities associated with policy development and implementation, including costs of region/district wide research and investigations, analysis, interpretation, consultation, governance and decision making processes to formulate and thence to establish and implement the consequent regulatory framework, which must be designed so as to give effect to the regional policy statement.</p> <p>Costs involved in updating the Use and Value data derived from the Aquaculture Planning project and incorporate this data into the coastal plan.</p> <p><u>Social</u></p> <p>There are potentially high social costs when engaging the community in region-wide consultation about a lot of</p>	<p>Yes</p>

			<p>obvious and unacceptable adverse effects on existing uses and values.</p> <p><u>Social</u></p> <p>The community assists in identifying where significant values are located (identification) and in developing the various specific protection mechanisms or restrictions through the plan making process.</p> <p>The plan making process achieves public buy-in to the values, their locations and the restrictions deemed necessary for protecting them.</p> <p>Increases clarity and certainty for all interested parties, as to where significant values lie and for resource management decision making</p>	particular values and in relation to many sites.	
Specific direction on matters to be given particular regard to, in resource management decision making					
<p>Option 2</p> <p>Direction to consider specific criteria when making decisions regarding the allocation of space within the coastal marine area</p>	<p>Matters would be given “particular regard” when considering resource consents and notices of requirements.</p> <p>Effective as would capture almost all activities in the coastal marine area requiring occupation of space as the presumption within the coastal marine area is that an activity requires consent unless it is specifically permitted by a plan.</p> <p>Provides a consistent framework and direction for assessing allocation of coastal space in the wet part of the coastal environment across the region.</p> <p>Some criteria may be open to interpretation.</p> <p>Effective as provides interim protection on</p>	High	<p><u>Environmental</u></p> <p>Increases clarity and certainty in terms of the attributes required prior to enabling an activity to occupy public space within the coastal marine area</p> <p>Increase clarity and certainty in terms of the values to be protected (but less certain about where these values exist) when allocating public space within the coastal marine area</p> <p>Discourages inefficient occupation of public space within the coastal marine area</p>	<p><u>Environmental</u></p> <p>More values to be addressed mean more identification and analysis, and potentially more resources in designing to mitigate adverse effects on those values.</p> <p>Potential environmental cost if decision balances values and some are compromised in order to protect others.</p> <p>Does not encourage comprehensive spatial planning of the coastal marine area as a stand alone option.</p>	Yes

	<p>individual decision basis until protection is built into the plan (for example mapping key uses and values or defining specific zones for some activities).</p> <p>Effective as can include more values & considerations than those specifically identified in site mapping.</p> <p>Effective because considerations are for a particular proposal with specified effects on a specified site, rather than broad generalised considerations.</p> <p>Gives effect to NZCPS policies 1.1.1, 1.1.2, 1.1.3, 1.1.4, 2.1.2, 3.1.1, 3.2.2, 3.2.4, 3.2.8, 3.3.1, 3.4.4, 3.4.5, 3.4.6 & 3.5.1.</p>		<p>Enables robust decisions to be made on an individual basis with each application being assessed against specified criteria</p> <p><u>Economic</u></p> <p>Less costly than direction to zone appropriate uses and areas as costs incurred during consent application.</p> <p>Equitable - Costs lie with the party applying for the consent and thus benefiting from the use of public space.</p> <p>Effects based and enabling - proposals have the opportunity to work with or around the values by mitigating effects resulting in a potential win-win outcome.</p> <p><u>Social</u></p> <p>Increases awareness regarding the public nature of the coastal marine area</p>	<p><u>Economic</u></p> <p>Applications in areas with conflicting uses and values are not actively discouraged (as they would be if they were identified in plans). May result in highly incompatible application being made which require to be processed at cost to council and community.</p> <p><u>Social</u></p> <p>Social cost to community required to be vigilant in examining each proposal to ensure the values are not compromised. May result in submitter fatigue.</p> <p>Does not enable community as a whole to have a say regarding the strategic spatial plan for the coastal marine area in terms of where occupation and development are planned. Community views only taken into account on case by case basis in relation to each coastal permit application.</p>	
<p>Option 3</p> <p>Direction to consider specific criteria when having regard to the cumulative and precedent effects of use and development</p>	<p>There are recognised difficulties with considering cumulative effects in terms of defining the exact carrying capacity of different activities in different areas. This is especially true of the coastal environment as it is ultimately the receiving environment for all land-based activities.</p> <p>Efficiency directly related to the availability of robust scientific data to support decisions made on these grounds.</p> <p>This option is effective as it directs decision makers to have particular regard to specific criteria when assessing cumulative or precedent effects of an activity. Criteria give direction in terms of which activities have the potential to</p>	<p>Med</p>	<p><u>Environmental</u></p> <p>Historically precedent and cumulative effects have been included in the general mix of considerations. Dedicating a specific policy to the avoidance of this type of effects will increase public and decision maker awareness regarding their importance.</p> <p>Policy will lead science and may result in more refined limits being set</p> <p><u>Economic</u></p> <p>Setting thresholds which aim to</p>	<p><u>Environmental</u></p> <p>Risk of setting thresholds at wrong level in the absence of robust scientific information to the detrimental of environmental values.</p> <p><u>Economic</u></p> <p>Potentially increase costs to developer as applications have to address matters specifically on a case by case basis and design activities to ensure these effects area avoided/mitigated.</p> <p>Increased scientific research required to support the policy in terms of</p>	<p>Yes</p>

	<p>cause significant adverse effects incrementally. Gives effect to NZCPS policies 1.1.5 and 3.2.4</p>		<p>achieve set standards will aid the continued viability of industries dependant on environmental quality (i.e. tourism)</p> <p><u>Social</u></p> <p>Increases awareness regarding activities which have the potential to create significant adverse effects when considered in conjunction with other established activities such as discharges.</p>	<p>providing robust data on the carrying capacity of different activities/areas.</p> <p>Is likely to restrict development in particular areas.</p> <p><u>Social</u></p> <p>Social cost to community required to be vigilant in examining each proposal to ensure the values are not compromised. May result in submitter fatigue.</p>	
<p>Guidance</p>					
<p>Option 4 Promoting collaboration between agencies with management functions within the coastal environment</p>	<p>Some areas in the coastal environment have values, particularly ecological, geological and historic heritage values that extend across the MHWS jurisdictional boundary. In order for effective protection to be afforded to the values, a coordinated approach is required between district and regional councils.</p> <p>Could be effective if all relevant local authorities commit to this approach which will require a change in thinking as historically the management of different issues and values within the coastal environment has been fractured.</p> <p>However not certain that the actions will be achieved and can be appropriately resourced.</p> <p>May not be effective in influencing private developments.</p> <p>Gives effect to NZCPS policies 3.2.9, 4.1.1 and 4.1.2.</p>	<p>Med</p>	<p><u>Environmental</u></p> <p>Coordinated management will best identify and protect values that extend across mean high water springs.</p> <p>Promotes the adoption of a whole of catchment view towards the management of resources.</p> <p><u>Economic</u></p> <p>Potential efficiencies resulting from information sharing between agencies.</p> <p><u>Social</u></p> <p>Allows for flexibility of approach rather than imposition of regulatory policies.</p> <p>Increases awareness about the importance of integrated management of the coastal environment and the impact that land uses have on this receiving environment.</p>	<p><u>Environmental</u></p> <p>Potential environmental costs if jurisdictional responsibilities become blurred.</p> <p><u>Economic</u></p> <p>There is an organisational cost to coordination – effort has to be made and processes set up to manage the connection between councils and other agencies with management responsibilities.</p> <p><u>Social</u></p> <p>Potential for coordination approach to be seen as a waste of time and resources if equal commitment is not made by all parties to achieve measurable results.</p>	<p>Yes</p>

<p>Option 5</p> <p>Direct plans to investigate imposing economic instruments to mitigate unavoidable adverse effects generated by the use of public space in the coastal marine area.</p>	<p>Effective as ensures all options regarding the use of economic instruments are analysed thoroughly and are only imposed into regional plans if the analysis considers the benefits to outweigh the administration and other costs.</p> <p>Effectiveness is tempered by time delays. Direction to investigate options will require time for analysis of options and further time for imposing direction through plan changes.</p> <p>This option will not deliver the immediate ability to impose financial contributions or other economic instruments for purposes which are not currently supported within plans.</p> <p>Gives effect to NZCPS policy 3.2.3</p>	<p>Med</p>	<p><u>Environmental</u></p> <p>Activities which cannot functionally locate anywhere other than the coastal marine area Could provide a source of funding for projects aimed at restoring natural character and ecological functioning of the coastal environment.</p> <p><u>Economic</u></p> <p>Investigation of options would ensure that the cost of collecting fees does not exceed the value of the funds collected. Costs would only be incurred if the analysis of options considers that plan direction to have a net benefit.</p> <p><u>Social</u></p> <p>Enables the community to have input into the concept via the plan change/review process.</p>	<p><u>Environmental</u></p> <p>May result in environmental trade-offs where one set of values in one area is sacrificed for the benefit of other values elsewhere.</p> <p>Could result in environmental values being more readily dismissed as able to be easily mitigated through financial compensation.</p> <p>Difficulties in defining the boundaries of the concept</p> <p><u>Economic</u></p> <p>Costs for councils and communities associated with policy development and implementation, including costs of region/district wide research and investigations, analysis, interpretation, consultation, governance and decision making processes to formulate and thence to establish and implement the consequent regulatory framework, which must be designed so as to give effect to the regional policy statement.</p> <p>May result in charges on the use of public spaces which could act as a disincentive for economic development within the coastal marine area</p> <p>Difficulties in determining a fair and reasonable charging regime for different types of activities with different effects.</p> <p><u>Social</u></p> <p>Difficulties in getting agreement and buy-in from the community/industries that would possibly be subject to charges.</p>	<p>Yes</p>
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				May be perceived as buying a consent or trading-off environmental values for economic benefit.	
Do Nothing					
<p>Option 6 Provide no regulatory or non regulatory direction on the allocation of space within the coastal marine area.</p>	<p>It is anticipated that demand for space within the coastal marine area will increase over time which will increase the importance of pro-active planning in terms of how that space will be allocated in a fair and sustainable way.</p> <p>Providing no regulatory or non-regulatory guidance on allocation of space will not achieve the objective nor will it give effect to the statutory requirements of the NZCPS or the RMA.</p>	Low	<p><u>Economic</u></p> <p>There would be no resource management intervention to allocate space in the coastal marine area.</p> <p>In the short term this would enable unhindered growth and development of marine based industry by eliminating economic costs and time to process coastal permits.</p>	<p><u>Environmental</u></p> <p>No regulatory allocation process would result in industry placing structures in highly inappropriate areas and compromising existing uses and values of the space thus resulting in high economic, social and environmental costs to the region.</p> <p><u>Economic</u></p> <p>Short term benefits to growth would soon be outweighed by costs involved with remedying detrimental effects to other users of the coastal marine area.</p> <p>No regulation would result in no opportunity for council to recover funds from those activities that use public space in the coastal marine area for private benefit.</p> <p>Doing nothing will leave Council open to incur costs over the failure to undertake the responsibilities for sustainable management of the coastal marine area set down by the NZCPS and the Resource Management Act.</p> <p><u>Social</u></p> <p>Social and environmental costs could be significant, and could result in reduced economic opportunities.</p>	No

5.3 Results of evaluation as to the most appropriate policy and method options to achieve objective 3

Policy and method options	Factors contributing to effectiveness ²	Efficient?	Selected (most appropriate) option(s)(tick or cross)	Proposed policies and methods
Broad direction to district and/or regional plans				
Option 1 Direct the relevant regional plan to identify and map constraints to use and development in the coastal marine area	High	Yes	✓	Policy CE 1A Method 2
Specific direction on matters to be given particular regard to, in resource management decision making				
Option 2 Direction to consider specific criteria when making decisions regarding the allocation of space within the coastal marine area	High	Yes	✓	Policy CE 10B Method 3
Option 3 Direction to consider specific criteria when having regard to the cumulative and precedent effects of use and development	Med	Yes	✓	Policy IR 5B Method 3
Guidance				
Option 4 Promoting collaboration between agencies with management functions within the coastal environment	Med	Yes	✓	Policy IR 6B Method 31, 34, 35 & 38
Option 5 Direct plans to investigate imposing economic instruments to mitigate unavoidable adverse effects generated by the use of public space in the coastal marine area	Med	Yes	✓	 Method 2 & 60
Do nothing				
Option 6 Provide no regulatory or non regulatory direction on the allocation of space within the coastal marine area.	Low	No	✗	

5.3.1 Discussion on selected options

Allocation of space within the coastal marine area is an issue that will come under increasing pressure in the coming years from a variety of sources such as increased number of recreational users, new technology enabling industries to locate in the coastal

² Effectiveness becomes the net value of an assessment of the relative difference between options in terms of their ability to influence or deliver intended outcomes.... The have great or widespread effect versus being of marginal or limited effect.

marine area such as offshore marine farms and potentially tidal energy generation. Without a proactive and strategic approach to the allocation of space, there is a high risk of degradation and loss of existing uses and values of our coastal waters.

Providing for aquaculture, recreation, recreational and commercial fishing, Māori customary activities and marine access ways in a way that avoids conflict and considers the cumulative impacts of these activities on the public space of the coastal marine area is challenging.

The most appropriate way to achieve objective 3 and address coastal environment issue 3 is a mix of targeted broad and specific options, directing district and/or regional plans, and considerations to be undertaken within resource management decision making. These regulatory options are supported and complemented by two non-regulatory (guidance) actions.

Establishing some zones for specific activities is an effective way to manage the allocation of water space within the coastal marine area (below mean high water springs). A necessary pre-cursor to identifying zones for some activities within the coastal marine area (such as port, harbour development and aquaculture) is to identify the uses and values in the marine environment which is directed by Option 1. Under option 1 the current uses and values of the coastal marine area (below mean high water springs) will be clearly identified (mapped) in the Regional Coastal Environment Plan and will provide constraints to the future allocation of space.

Policy CE 3A and method 2 of the PRPS all fall within the selected options for plan direction.

As it will take time for each of these provisions to be given effect in plans, it is appropriate to also include a requirement to consider each of the specified matters during resource management considerations. Specific consent considerations are discussed under Options 2 and 3 and cover policies IR 5B and CE 10B along with method 3.

There is also a requirement to give effect to the New Zealand Coastal Policy Statement (NZCPS).

- Option 2 gives effect to NZCPS policies 1.1.1, 1.1.2, 1.1.3, 2.1.2, 3.1.1, 3.1.2, 3.1.3, 3.2.1, 3.2.2
- Option 3 gives effect to NZCPS policies 1.1.1, 1.1.2, 1.1.3, 1.1.4, 2.1.2, 3.1.1, 3.2.2, 3.2.4, 3.2.8, 3.3.1, 3.4.4, 3.4.5, 3.4.6 & 3.5.1.
- Option 4 gives effect to NZCPS policies 1.1.5 and 3.2.4

Two guiding options (Options 4 and 5) have also been evaluated as being effective in conjunction with the mix of regulatory methods discussed above.

Option 4 promotes collaboration between agencies with management functions within the coastal environment and has been included within the mix to complement the regulatory options as well as promote voluntary action. This option is appropriate, as it provides a vehicle to establish and support a process of regular communication and better coordination between agencies. This approach seeks to promote the holistic management of all existing uses and values of the water space rather than just those issues of concern to regional council. This option covers policy IR 6B and methods 31, 34, 35 & 38 and gives effect to NZCPS policies 3.2.9, 4.1.1 and 4.1.2.

Option 5 also provides guidance and promotes the investigation of imposing economic instruments to mitigate unavoidable adverse effects generated by the use of public space in the coastal marine area. This will enable activities which cannot functionally locate anywhere other than the coastal marine area to provide practical assistance and support for projects aimed at restoring natural character and ecological functioning elsewhere within the coastal environment. This option covers method 60 and gives effect to NZCPS policy 3.2.3.

While these non-regulatory options would likely be of marginal effect and efficiency in their own right, their effectiveness is significantly enhanced when utilised in conjunction with the regulatory provisions requiring consideration of specific values when allocating space within the coastal environment.

Options Not Selected

Option 6 (doing nothing) has been assessed as failing to achieve the objective. While the cost to activities seeking to locate in the coastal marine area is minimal, the environmental, social and economic cost is very high and would ultimately restrict sustainable economic development. No regulatory allocation process would result in industry placing structures in highly inappropriate areas and compromising existing uses and values of the space thus adversely affecting amenity and recreational values as well as resulting in high economic costs by hampering existing industries.

5.4 Risk of acting or not acting if information is uncertain or insufficient

The risk of acting, in the context of poor information of the values, was assessed as being low. The highest risk is identifying sites associated with uses and values identified in plans may be subject to change. This risk is minimised by selecting consideration options which require that each coastal permit application is assessed against the uses and values at which point section 104(c) enables the decision to be weighed against any other relevant information.

The risk of not acting has been assessed as very high in the face of increasing demand for space within the coastal marine area. Not acting risks encouraging inefficient and ad-hoc development and would fail to achieve the objective. Policy 3.3.1 of the NZ Coastal Policy Statement sets clear direction in relation to adopting a precautionary approach even when there is a relative lack of understanding of effects. The precautionary approach promotes taking action to preserve values even where information is uncertain or insufficient.

6 Evaluation of policy and methods to achieve Objective 4

6.1 The range of policy and method options considered

Objective 4 recognises the importance of some activities (with a functional need to locate in the coastal environment) to the social, economic and cultural wellbeing of people and communities. Objective 4 seeks to enable such activities to occur in appropriate locations which have been identified for that purpose in regional or district plans. Objective 4 also recognises that such activities can be adversely affected by reverse sensitivity effects.

In addressing this objective, the primary focus is to determine whether it can be best achieved through regulatory direction to plans or through regulatory direction as to matters to be considered when making resource management decisions, or through non-regulatory programs, or by doing nothing.

6.1.1 Broad direction to district and/or regional plans

Option 1 - Direct plans to encourage use and development of the coastal marine area in appropriate areas to enable people and communities to provide for their social, economic and cultural wellbeing

This option requires plans to encourage new occupation, use and development in the coastal marine area to be located in areas that have been zoned for the purposes of sustainable development.

6.1.2 Specific direction on matters to be given particular regard to, in resource management decision making

Option 2 – Consider prioritising social and economic benefits over environmental concerns when assessing specific functionally dependant marine activities

When making decisions regarding the allocation of public space in the coastal marine area, this option directs decision makers to have ‘particular regard’ to the social and economic benefits of certain functionally dependant marine activities whilst ‘taking into account’ environmental concerns.

Option 3 – Encourage specific functionally dependant marine activities to occur within appropriate locations

Encourage the appropriate location of specific functionally dependant marine activities by assessing applications against certain criteria when making decisions regarding the allocation of space.

6.1.3 Guidance

Option 4 – Increase awareness about the regional council’s role in providing for the social and economic wellbeing of the region.

This approach is to increase awareness about the regional councils role in providing for all four wellbeing’s by providing and distributing information on the contribution of social and economic factors to the ‘environment’

6.1.4 Do nothing

Option 5 – Provide no regulatory or non regulatory direction on recognising the contribution of some marine based activities to the social and economic and cultural wellbeing of the region

This option provides no type of intervention or guidance in terms of recognising the importance of some activities (with a functional need to locate in the coastal environment) to the social, economic and cultural wellbeing of people and communities.

6.2 Evaluation as to the effectiveness and efficiency of the policy and method options to achieve Objective 4

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
Broad direction to district and/or regional plans					
<p>Option 1</p> <p>Direct plans to encourage use and development of the coastal marine area in appropriate areas to provide for the social and economic needs of the region.</p>	<p>Effective in giving direction to the location of development by giving preference to those activities which were anticipated by a particular zone and protecting anticipated activities from the effects of reverse sensitivity.</p> <p>Does not preclude applications being made in non-designated areas thus allowing appropriate development to locate in non-designated areas.</p> <p>To “encourage” is not a strong directive but it does allow flexibility for development solutions.</p> <p>There is uncertainty and flexibility over what the actual policies and rules in the plans will be.</p> <p>Gives effect to NZCPS policies 1.1.1, 3.2.1, 3.2.2 and 3.2.4 & 3.2.5</p>	<p>High</p>	<p><u>Environmental</u></p> <p>Areas of high natural character are less likely to suffer further degradation if development is encouraged to locate within already compromised areas.</p> <p>Encourages industries to strive for environmental</p> <p><u>Economic</u></p> <p>More certainty for developers and the community that areas of existing development/compromised values may be intensified or redeveloped more easily than in non-designated areas.</p> <p>Retains flexibility for activities to locate outside of appropriate areas if they do not have adverse effects, representing economic benefits.</p> <p><u>Social</u></p> <p>Directing plans to provide appropriate zones and undertake the supporting research relieves some of the pressure for communities to be vigilant during resource consent process.</p>	<p><u>Environmental</u></p> <p>Does not preclude development of non-designated areas which would equate to economic benefit incurred at an environmental cost.</p> <p><u>Economic</u></p> <p>There are high costs for councils and communities associated with policy development and implementation, including costs of region/district wide research and investigations, analysis, interpretation, consultation, governance and decision making processes to formulate and thence to establish and implement the consequent regulatory framework, which must be designed so as to give effect to the regional policy statement.</p> <p>The costs do not need to be incurred until a plan is reviewed which would be the earliest practicable opportunity in the case of the Regional Coastal Environment Plan. Making changes at this time would reduce compliance costs.</p> <p><u>Social</u></p> <p>There are potentially high social costs when engaging the community in consultation about a lot of particular</p>	<p>Yes</p>

				values and in relation to many sites.	
Specific direction on matters to be given particular regard to, in resource management decision making					
<p>Option 2</p> <p>Consider prioritising social and economic benefits over environmental concerns when assessing specific functionally dependant marine activities</p>	<p>Effective in ensuring that social and economic wellbeing's are given adequate consideration in decision making process</p> <p>Effective in giving immediate guidance for decisions regarding specific activities such as aquaculture prior to a plan change being undertaken.</p> <p>Fails to gives effect to the purpose of the Act which states that environmental concerns must be balanced with enabling social and economic wellbeing of people and communities.</p> <p>Differentiating between the importance of some wellbeing's over others in policy is contrary to the overall broad judgment approach to the purpose of the Act. This approach enables different values to sway a decision when assessed on a case by case basis but each application should be decided on its individual merits.</p>	Low	<p><u>Economic</u></p> <p>Resource management decisions made within a framework which consistently provides of net economic and social benefits to communities.</p> <p><u>Social</u></p> <p>Flow-on social benefits as if decision results in investment and infrastructure in the community</p>	<p><u>Environmental</u></p> <p>Potential for environmental cost if economic and social gain is prioritised over environmental/ecological values.</p> <p><u>Economic</u></p> <p>Potential for economic cost if the deciding factor is economic gain that doesn't come to fruition due to global economic circumstances or market trends</p> <p><u>Social</u></p> <p>Has potential to undermine community concern in relation to a specific site if the economic return is given more weight than community concerns</p>	No
<p>Option 3</p> <p>Encourage specific functionally dependant marine activities to occur within appropriate locations</p>	<p>Effective in providing immediate guidance to decision making in the interim period before appropriate zones are introduced through plan change.</p> <p>Ensure applications are assessed against specific areas in the coastal marine area with values and uses which are incompatible with aquaculture development. Regional Council has already identified many of these uses and values but they have not yet been integrated into the Regional Coastal Environment Plan.</p> <p>Provides high level directive for specific activities such as aquaculture not to be encouraged within the regions harbours and estuaries.</p>	High	<p><u>Environmental</u></p> <p>Provides a consistent framework across the region, within which to evaluate the appropriateness of development in the coastal marine area.</p> <p>Discourages ad-hoc development and promotes alignment with strategic spatial planning of coastal marine area.</p> <p><u>Economic</u></p> <p>Evaluation against certain criteria increases certainty regarding potential conflicts prior to coastal</p>	<p><u>Economic</u></p> <p>Potential for economic cost if the criteria are not based on up-to-date industry requirements.</p> <p>Criteria may not allow future flexibility in terms of providing for advances in technology.</p> <p><u>Social</u></p> <p>Requires a high level of community vigilance to partake in decision-making process which can result in submitter fatigue</p>	Yes

	<p>Highly effective in gauging community support for specific developments on an individual basis. Allows communities to make their views clear during consent process and establish their support or otherwise taking into account the net benefits to their community.</p> <p>Gives effect to NZCPS policies 1.1.1, 3.2.1, 3.2.2 and 3.2.4 & 3.2.5</p>		<p>permit application being lodged</p> <p>Predictability promotes more rapid, unimpeded and streamlined process, as resource management results or responses to specific triggers can be anticipated or are able to be predicted.</p> <p><u>Social</u></p> <p>Empowers community by taking into account support or opposition for activities during resource consent process</p>		
<p>Guidance</p>					
<p>Option 4</p> <p>Increase awareness about the regional council's role in social and economic wellbeing of the region.</p>	<p>Effective in broadening peoples perception regarding the wider role of the regional council (as opposed to solely management focused on environmental protection).</p> <p>Effective in targeting which industries have growth potential to the region and fostering those by providing practical of financial assistance such as the Regional Aquaculture Strategy.</p> <p>Effective in helping to build solid relationships/partnerships with industry</p> <p>Unnecessary to include policy direction on this through RPS - The direction has already been set through councils name change from Environment Bay of Plenty to Bay of Plenty Regional Council.</p> <p>Inefficient - Councils economic development arm will instigate Councils role in promoting economic development regardless of any direction provided by the RPS.</p>	<p>Med</p>	<p><u>Environmental</u></p> <p>Potential for economic strategies to increase the value of natural resources to the community</p> <p><u>Economic</u></p> <p>Net economic benefits to region will outweigh cost of administration</p> <p><u>Social</u></p> <p>Supports self determination by encouraging communities to provide for their own economic and social wellbeing.</p> <p>Strategies can be tailored to higher need communities and create unique solutions for particular communities with specific challenges and opportunities.</p>	<p><u>Environmental</u></p> <p>Potential for conflict of interest where social and economic benefits have been promoted through Council strategy but conflict with protection/management of environmental values.</p> <p><u>Economic</u></p> <p>Cost involved in preparing information, strategies, growth plans to assist industry development</p> <p>Economic benefits in enabling Bay of Plenty to compete with other regions for investment.</p> <p><u>Social</u></p> <p>Potentially confusing for community to determine exactly what the role of the regional council is.</p>	<p>No</p>

Do Nothing					
<p>Option 5 Provide no regulatory or non regulatory direction or support for enabling use and development of resources to contribute to the social, economic and cultural wellbeing of the region</p>	<p>This approach reflects the status quo. No regulatory or non-regulatory support is provided by the Operative RPS. Providing no support restricts the potential of Council to assist in the promoting the social and economic wellbeing's of the region. Restricts the ability of the region to compete with other regions for private and government investment.</p>	<p>Low</p>	<p><u>Economic</u> Some savings in not having to implement polices and methods.</p>	<p><u>Economic</u> Net economic loss through not encouraging the efficient use of natural resources in appropriate locations. <u>Social</u> Failure to provide council assistance in growth strategies represents a social cost in lost partnerships between council and industry. Not enabling growth and development opportunities will result in impoverished communities, unable to support themselves financially or socially. This will have flow-on effects for environmental management as resources will be unable to be managed effectively due to lack of funds.</p>	<p>No</p>

6.3 Results of evaluation as to the most appropriate policy and method options to achieve objective 4

Policy and method options	Factors contributing to effectiveness ³	Efficient?	Selected (most appropriate) option(s)(tick or cross)	Proposed policies and methods
Broad direction to district and/or regional plans				
Option 1 Direct plans to encourage use and development in appropriate areas of the coastal marine area to provide for the social and economic needs of the region	High	Yes	✓	Policy CE 5A Method 2
Specific direction on matters to be given particular regard to, in resource management decision making				
Option 2 Consider prioritising social and economic benefits over environmental concerns when assessing specific functionally dependant marine activities	Low	No	✗	
Option 3 Encourage specific functionally dependant marine activities to occur within appropriate locations	High	Yes	✓	Policy CE 12B Method 3
Guidance				
Option 4 Increase awareness about the regional council's role in social and economic wellbeing of the region.	Med	No	✗	
Do nothing				
Provide no regulatory or non regulatory direction or support for enabling use and development of resources to contribute to the social, economic and cultural wellbeing of the region	Low	No	✗	

³ Effectiveness becomes the net value of an assessment of the relative difference between options in terms of their ability to influence or deliver intended outcomes.... The have great or widespread effect versus being of marginal or limited effect.

6.3.1 Discussion on selected options

Objective 4 recognises the importance of some activities (with a functional need to locate in the coastal environment) to the social, economic and cultural wellbeing of people and communities. Objective 4 therefore seeks to enable functionally dependant activities to occur in appropriate locations in order to promote the economic, social and cultural wellbeing of regional communities.

By encouraging sustainable development in appropriate areas such as aquaculture zones, port zone or the harbour development zone this objective enables people and communities to provide for their social, economic and cultural well-beings.

It is considered that the most appropriate way to achieve objective 4 is a combination of a targeted regulatory option (directing the Regional Coastal Environment Plan) and a consideration (to be undertaken within resource management decision making). This combination of options is the most appropriate way to achieve coastal environment issue 3.

The regulatory option considered appropriate is option 1. Option 1 directs plans to encourage sustainable use and development of the coastal marine area in appropriate locations to provide for the social and economic needs of the region. Policy CE 5A and method 2 of the PRPS, fall within option 1 for plan direction.

As it will take time for the provisions directed by option 1 to be given effect through plan changes, it is appropriate to also include a requirement to consider the criteria encouraging use and development to occur within appropriate areas during resource management decisions. Consideration for resource consents are discussed under Option 3. This option covers policy CE 12B along with method 3.

There is also a requirement to give effect to the New Zealand Coastal Policy Statement (NZCPS).

- Options 1 and 3 give effect to NZCPS policies 1.1.1, 3.2.1, 3.2.2 and 3.2.4 & 3.2.5

Options Not Selected

Option 2 encourages decision-makers to consider prioritising social and economic benefits over environmental concerns when assessing specific functionally dependant marine activities. Option 2 fails to give effect to the purpose of the RMA which states that environmental concerns must be balanced with enabling social and economic wellbeing of people and communities and is contrary to the overall broad judgment approach to the purpose of the Act. Decision-makers have the ability to prioritise some values over others but it is important that all values are considered on a case by case basis and each application decided on its individual merits.

A non-regulatory option (option 4) has also been evaluated but has not been selected as being effective. Option 4 promoted increasing awareness about the regional council's role in social and economic wellbeing of the region. While there are numerous benefits to this non-regulatory action in terms of promoting the work of Councils economic development arm, it is not deemed necessary to use the RPS as a vehicle for this promotion as the work falls primarily under the umbrella of the Local Government Act and does not require a mandate from the RPS. In 2007 council agreed to lead and facilitate economic development through a Regional Governance Group. This group have been responsible for developing a regional economic development strategy, "Bay of Connections" and leading the implementation of its actions which include regional strategies on food, aquaculture and energy.

Option 5 (doing nothing) has been assessed as failing to achieve the objective. While there would be cost savings in terms of not having to implement policy changes, the social and economic opportunity cost is considered significant. To do nothing would ultimately restrict sustainable economic growth and development of the region and would prevent the Bay of Plenty from competing with other regions for investment.

6.4 Risk of acting or not acting if information is uncertain or insufficient

The risk of acting, in the context of poor information of the values, was assessed as being low. The risk of not acting has been assessed as moderate to high.

The risk of not acting is not extreme as it reflects the status quo. However, not acting would fail to achieve the objective. Providing no guidance with regard to enabling functionally dependant activities to locate in appropriate areas of the coastal environment ignores the enabling portion of the RMA's purpose. Ignoring the issue by failing to manage for use and development will not make use and development go away; it simply makes effective management of the coastal environment harder and more costly to navigate through.

Appendix 1 – Criteria used to determine regionally significant issues

The criteria used for determining whether an issue was a resource management issue of regional significance were:

- The issue was a natural or physical resource management problem.
- The issue was to be of regional significance (see further criteria below).
- The issue was about achieving the purpose of the Resource Management Act, 1991 (RMA).
- The issue did not “repeat” the RMA, the New Zealand Coastal Policy Statement, any other national policy, or another issue in the RPS.
- The issue was explained in the context of the Bay of Plenty region.

Regional significance was determined using the following criteria:

- The issue concerns a resource which is regionally significant, and the issue requires integrated management at a regional level ; and
- There is a potential shortage of the resource and resultant allocation issues; or
- There is a significant level of conflict over the resource which is either occurring or is foreseeable over the next 10 years; or
- The resource is potentially subject to significant adverse effects at a regional level; or
- There are significant issues in terms of Part 2 of the RMA which are or are likely to arise at a regional scale (e.g. maintenance and enhancement of access along waterways); or
- The community has signalled that it regards a particular issue as being of regional significance; or
- The issue is one of national significance (e.g. preservation of natural character) and requires regional intervention; or
- The issue is one of District significance but requires regional intervention; or
- The matter is one which a National Policy Statement or National Water Conservation Order requires to be addressed.