

**Aorere ki uta Aorere ki tai - Tasman Environment Plan
Issues and Options Report**

**Coastal Environment and Coastal Natural
Character
UPDATE REPORT**

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Acronyms in this document

CE	Coastal Environment
CNC	Coastal Natural Character
HNC	High Natural Character
MHWS	Mean High Water Springs
NBA	Natural and Built Environment Act
NC	Natural Character
NZCPS	New Zealand Coastal Policy Statement
ONC	Outstanding Natural Character
ONF	Outstanding Natural Feature
ONFL	Outstanding Natural Features and Landscapes
ONL	Outstanding Natural Landscape
RMA	Resource Management Act 1991
RPS / TRPS	Tasman Regional Policy Statement
TEP	Tasman Environment Plan
TRMP	Tasman Resource Management Plan

1 Executive Summary

1.1 Introduction

The preservation of the natural character of the coastal environment (including the coastal marine area) and the protection of that area from inappropriate subdivision, use, and development is set out as a matter of national importance under the Resource Management Act (RMA)¹. This protection is also explicit within the coastal environment under the New Zealand Coastal Policy Statement (NZCPS)².

This topic report focuses on the identification of the Coastal Environment (CE) of the District and the natural character (NC) characteristics within that area. This topic has been previously discussed with the Council in a workshop on 21 October 2020, which included a presentation of the draft Coastal Environment Study³ and a discussion of the issues and options for managing the CE.

1.2 Purpose and Scope

The purpose of this report is to:

- reiterate the issues and options relating to the mapped area of the CE and the coastal natural character (CNC) characteristics identified,
- provide an update on the landowner and community engagement process, and
- outline next steps for engagement, refinement of mapping and development of a management (rules) approach.

The feedback and direction received on this report will inform development of the Draft Aorere ki uta Aorere ki tai - Tasman Environment Plan (TEP).

1.3 Issue(s)

Key issues that are being addressed under this topic include:

- **Issue 1: Identification of the Coastal Environment and its Natural Character “Where is the CE and what are its natural characteristics?”**
Technical assessment is required to identify and map the Coastal Environment and its natural character consistent with the requirements of the NZCPS, and provide a robust analysis of characteristics and threats within that area.
- **Issue 2: Management of Activities in the Coastal Environment “What is needed to protect the CE and associated natural characteristics?”**
To achieve protection of the CE and associated natural characteristics, a management approach needs to be developed. This management approach needs to set out clear protection outcomes, through an integrated objective/policy framework and provisions (rules) to implement the RMA, NZCPS and other relevant instruments of national direction.

¹ RMA, section 6(a)

² NZCPS, policy 13

³ Te Tai o Aorere / Tasman District Coastal Environment Study, Coastal Natural Character Assessment, Prepared for Tasman District Council, February 2021, Boffa Miskell Ltd.

1.4 Public Engagement

The engagement process undertaken has involved:

- Mailout – letters sent to all landowners with land identified as having the draft CE overlay on it, and follow up letters providing information on the open day events.
- Council website page – providing all relevant information for landowners and the public on the topic, and including an interactive map tool to identify overlay areas, links to public webinars, links to the technical reports, FAQ's, contact details and a feedback form.
- Webinars – four webinars that presented a summary of the coastal and landscape topics and the work undertaken to date and enabled live question and answer sessions.
- Open day events – a series of thirteen open day events were held over the course of two weeks across the district, to meet with landowners and discuss property specific issues. A few on-site visits were also able to be undertaken within this schedule.
- Meetings – at the same time as the open day events, the project team also met with a range of other groups and stakeholders around the district.

Considerable feedback has been received on the mapping of the CE area and on the possible rules that could apply within these areas to provide the required protection.

1.5 Recommendations

It is requested that the Council endorse further steps of engagement with landowners and the community including:

- follow up on feedback received through engagement to date,
- meetings and site visits to refine mapping of the CE, and discuss possible rules for the CE area,
- documentation of feedback received, and changes made,
- undertake hui with iwi to determine a method of incorporating cultural values and issues,
- finalisation of maps and the Coastal Environment Study, and
- refinement of possible rules prior to formal rule drafting.

It is also recommended that the Council support a Councillor workshop later this year to bring together some of the overlapping topics and to facilitate discussion and integration between overlapping workstreams.

2 Principles Underpinning the Development of the TEP

2.1 Guiding Principles

The Council will use guiding principles in the development of the TEP. These principles are the philosophy and values that will underlie the approach and content of the TEP, but will not in themselves have specific objectives, policies or methods. The anticipated outcomes of the TEP should achieve these principles.

The principles are:

1. To recognise the interconnectedness of the environment and people, ki uta ki tai / mountains to the sea.
2. To enable healthy and resilient communities by achieving healthy and resilient environments (Te Mana O Te Taiao).
3. To meet the present and future needs of our communities, council and iwi by working in partnership.
4. To enable community development within environmental limits.
5. To support and enable the restoration of environments.
6. To recognise and provide for the wellbeing of individuals, where this is not at the expense of the public good.
7. To take a precautionary or responsive management approach, dependent on the nature and extent of the risk, and where there is uncertainty or a lack of information.
8. To ensure the TEP provides strategic leadership for Council's key planning documents.

These principles will be implemented through evaluation of options in this report and in future Section 32 assessment, drafting and decisions.

2.2 Te Mana O Te Taiao

Te Mana O Te Taiao is the mana⁴ of the natural world. People are a part of nature – and we can only thrive when nature thrives.

The TEP process and document provides a key mechanism to achieve our desired outcomes for our relationship with Te Taiao (the natural world), including the community outcomes defined in the Long Term Plan⁵, and the vision of the Te Tauihu Intergenerational Strategy (Wakatū, 2020):

“We are the people of Te Tauihu. Together, we care for the health and wellbeing of our people and our places. We will leave our taonga in a better state than when it was placed in our care, for our children and the generations to come.”

The use of Te Mana O Te Taiao in this report utilises a similar approach and hierarchy to that defined for Te Mana O Te Wai in the National Policy Statement for Freshwater Management 2020

⁴ Mana is defined in the online Maori dictionary as: prestige, authority, control, power, influence, status, spiritual power, charisma - mana is a supernatural force in a person, place or object. Mana goes hand in hand with tapu, one affecting the other. The more prestigious the event, person or object, the more it is surrounded by tapu and mana. source: <https://maoridictionary.co.nz>

⁵ The outcomes are available in the Long Term Plan on the Council's website

(MfE,2020. NPS-FM), and extends this fundamental concept to other domains: Te Tai (sea), Te Āngi (air) and Te Whenua (land).

The objective of this approach is to ensure that natural and physical resources are managed in a way that prioritises:

- (a) first, the health and well-being of the natural environment and ecosystems
- (b) second, the health needs of people
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

The protection of the special character of the CE contributes to all three of the objectives for Te Mana O Te Taiao, as the CE contains high ecosystem and biodiversity values and areas of significant natural character, provides for recreational activities, and contributes to community wellbeing in a range of ways.

3 Background Context

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*” is set out as a matter of national importance under s6(a) of the RMA. This protection is also explicit within the coastal environment under the NZCPS.

This report focuses on the identification of the Coastal Environment (CE) of the District, the natural character characteristics within that area, and the protection of these areas and characteristics from activities that can degrade or destroy the identified characteristics. This topic has been previously discussed with the Council in a workshop on 21 October 2020, which included a presentation of the draft Coastal Environment Study⁶ and a discussion of the issues and options for managing the CE.

Appendix 1 contains a description of the Coastal Environment Study, the CE area (or overlay), the relationship between natural character characteristics and an assessment of landscape values, and a summary of the current provisions relating to the CE area.

The Coastal Environment is a key part of the district with a high level of community use and interest. Within this there are some very important areas of coastal natural character value. The protection of the coastal environment and key coastal natural character areas is a matter of regional (and national) significance⁷. Specific iwi interest in the topic of the coastal environment lies in the protection of coastal water quality and habitats, bird breeding, flora and fauna including marine biota, mahinga kai and taonga, coastal margin effects and use of the coastal marine area. Appropriate identification of the coastal environment and coastal natural character, and robust protection through provisions, will assist to protect these areas of value to iwi.

The topic of Coastal Environment and Coastal Natural Character overlaps with a range of other topics as set out in **Appendix 1**.

As discussed in the October 2020 workshop, the key issues that are to be addressed under this topic include:

- **Issue 1: Identification of the Coastal Environment and its Natural Character “Where is the CE and what are its natural characteristics?”**

Technical assessment is required to identify and map the Coastal Environment and natural character consistent with the requirements of the NZCPS, and provide a robust analysis of characteristics and threats within that area.

- **Issue 2: Management of Activities in the Coastal Environment “What is needed to protect the CE and associated natural characteristics?”**

To achieve protection of the CE and associated natural characteristics, a management approach needs to be developed. This management approach needs to set out clear protection outcomes, through an integrated objective/policy framework and provisions

⁶ Te Tai o Aorere / Tasman District Coastal Environment Study, Coastal Natural Character Assessment, Prepared for Tasman District Council, February 2021, Boffa Miskell Ltd.

⁷ See also the Significant Resource Management Issues paper provided to Council.

(rules) to implement the RMA, NZCPS and other relevant instruments of national direction.

The work undertaken to date on this topic has included the development of a draft Coastal Environment Study (presented to and endorsed by the Council in October 2020), the October workshop discussing options for engagement and possible rule approaches, and a programme of landowner, stakeholder and public engagement undertaken during March-June 2021.

3.1 Public Engagement

Given the extent of the CE area and the overlap of this area with private land ownership, a specific programme of engagement was planned for this topic (combined with the Landscapes topic). This involved:

- Mailout – letters sent to all landowners with land identified as having the draft CE overlay on it⁸, and including a link to the website page for further information. This also included follow up letters providing information on the open day events.
- Council website page – this page was set up specifically for this topic (and landscapes) and provided all relevant information for landowners and the public on the topic. It included an interactive map tool to identify overlay areas, links to public webinars, links to the technical reports, FAQ's, etc. It also had contact details and a feedback form.
- Webinars – there were four webinars held during the week of 12 April 2021. These presented a summary of the coastal and landscape topics and the work undertaken to date and enabled live question and answer sessions to address participants concerns. All issues not addressed in the sessions were followed up subsequently with the participants by email.
- Open day events – a series of thirteen open day events were held over the course of two weeks⁹ across the district¹⁰, to meet with landowners and discuss property specific issues.
- Meetings – at the same time as the open day events, the project team also met with a range of other groups and stakeholders around the district¹¹.

This engagement has shown the high degree of landowner interest in the CE area, and highlighted the wider public interest. Much of the feedback has been concerned over potential impacts on future use of the land and property values. The key issues and concerns raised include:

3.1.1 Why is the work required?

A lot of the discussions with landowners and the public required explanation of the reasons why the Council needs to identify and protect the CE. The team provided detailed explanations of the requirements of the RMA and the NZCPS which set out the legislative requirements and outline the approach and methodology to be applied. There was also considerable discussion of the relevant case law and best practice and plan development approaches used around the country.

⁸ A total of around 3,500 letters were sent out to the landowners affected by the draft landscape and coastal environment mapping.

⁹ From 23 May to 3 June 2021.

¹⁰ 23 May Motueka Sunday Market, 24 May Takaka, 25 May Mangarakau and Collingwood, 26 May Marahau and Motueka, 27 May Richmond, 31 May Murchison, 1 June Upper Moutere, 2 June St Arnaud and Wakefield, 3 June Mapua and Richmond.

¹¹ Golden Bay Federated Farmers, forestry owners/managers, private landowners, Takaka Hill Biodiversity Group.

Many people expressed a desire that the overlay not apply to them or that they have no rules imposed on their land (see also section 3.1.6 below). Explanation was given on how such approaches have been applied in neighbouring districts and why the Council is required to undertake this work in forming the TEP.

3.1.2 Coastal Environment Study

There were many questions around the methodology used and criteria applied to identify the CE area. Tailored explanations were given depending on the level of interest in technical details with people directed to the study for more information or walked through the methodology by the study author in attendance at the open day event or involved in the meetings (James Bentley).

Many people were interested in the explanations of the characteristics within the different coastal areas and in gaining an understanding of the types of activities that threaten the characteristics identified. Explanation was given on the level of detail used to develop the draft study and lines (largely desktop and GIS based background with limited site visits), particularly the use of the coastal hazard mapping tool.

One of the key outcomes of the engagement process was to test the draft overlay lines with landowners and gather information on where the lines may not be in the right place based on local knowledge. This process also involved a lot of feedback to landowners on the reasons why the lines had been located as drafted. During the engagement sessions, mapping was reviewed directly with landowners and, in some cases, lines were redrawn to recognise those discussions.

3.1.3 What is the process for the topic and TEP review generally?

Many people sought information on the wider TEP review process and timing for the project. Information was provided on the further opportunities likely to be provided for engagement on this workstream (site visits, meetings and feedback), together with the wider process of formal submissions and hearings on the TEP.

3.1.4 What rules will apply?

A deliberate choice was made to not go into this engagement process with a set of draft rules, as past experience has shown that this can appear preemptive to the public and give a perception that decisions have already been made. A key outcome of the engagement process was to talk to people about the rules that are used elsewhere in the country and those that could be applied in this district, together with collecting information on existing activities and, where possible, future aspirations for the use of land.

The purpose of the rules will be to implement the national direction on protection of the special character of the CE and through this to identify 'appropriate' or 'inappropriate' activities. The types of activities that could cause degradation of characteristics will differ across the CE as the characteristics of the CE varies widely. The intent of the rules, as expressed through engagement, is to explicitly provide for existing activities and future change that is appropriate to protection of characteristics, while imposing restrictions where necessary to ensure protection. New rules cannot override existing lawfully established activities and the current uses of the land, including the many working farms, will be able to continue to operate as they currently do. The outstanding values identified have been assessed to include the current activities.

Part of the discussion related to the nature of the different areas within the CE. Where areas have been identified as having high, very high or outstanding natural character (or are within an Outstanding Natural Landscape or Feature) there was acknowledgement that more stringent rules would be more likely to apply. Areas of higher modification (such as areas already zoned and used for residential or industrial activity) were acknowledged as requiring less constraint on land use.

This process of discussion has led to good knowledge of the existing land uses that will enable clarity in the rules around what can continue to be enabled in the CE area. The engagement process also enabled landowners to become aware that there are likely to be rules restricting large-scale land use change. The nature and scale of such change is yet to be detailed but will relate to activities that are unable (or unlikely) to protect the identified values within the CE area. Further discussion on potential rules is contained in section 5 of this report.

It was also quite obvious that some people are unaware that there are zones, overlays and rules that currently apply in the coastal environment area. Some were aware that there is a current Coastal Environment line set at 200m above mean high water springs and that within this area current rules require a resource consent for key activities, predominantly new dwellings. However, it was also apparent that some people did not know this area or rules exist now. For many people in the current and draft CE area there is no aspiration to change their landuse and they do not intend to replace their current dwelling, such that new rules are highly unlikely to affect the future use of their land.

We learnt through the feedback received that there is a perception that the resource consent process for development in the CE area (and consenting generally in the Tasman District) is costly, time consuming and difficult. There were many examples given to us that the consent process was seen as bureaucratic and a barrier to people using their land in a way they considered to be reasonable. There was clear feedback that the community would like to see the TEP provisions being streamlined (remove perceived duplication of rules) and simplified (to clearly relate to specific issues rather than just being a process that has to be undertaken).

3.1.5 Support for protection

While many of the people involved in the engagement were worried about the process or concerned at the regulation, there was a high degree of support expressed for the protection of the coastal environment from degradation. Considerable feedback was provided that the natural character of the coastal environment needs to be protected and that there needs to be control over changing activities in this special and sometimes vulnerable area.

3.1.6 Legislation and regulation

While concern was raised over legislation and regulation from some landowners with land in the coastal environment overlay, this was not as significant as those within the landscape areas. Refer to the update report on the Landscapes topic for more information on these matters.

Two key areas in which these matters can be considered in this workstream are the identification of existing and appropriate activities within the Coastal Environment Study and incorporation of rules to enable appropriate activities and only impose constraint through rules on inappropriate activities (see section 3.1.4 above). Another way to deal with these issues is to ensure that all the TEP workstreams are well integrated to avoid duplication of rules.

Related to this was concern that the rules relating to the CE and associated natural characteristics will require landowners to allow public access to their private land, or require them to undertake works on their land such as fencing or pest/weed management. The TEP rules for the protection of the CE will not require public access over private land nor can they require people to undertake enhancement activities unless that is for the purpose of mitigating effects through a consenting process.

4 Issue 1 – Identification of the Coastal Environment and its Natural Character

Technical assessment of the coastal areas of the district is needed to determine robust delineation of the CE (as required to give effect to the RMA and NZCPS). Further there needs to be detailed assessment of the natural character across the whole CE area to determine the degree of naturalness or modification (including identification of areas high, very high and outstanding natural character).

Both of these aspects of identification need to be based on a robust methodology and be aligned with case law and best practice for such work. The technical assessment, as well as identifying spatial areas, needs to include clear explanation of the characteristics and attributes of each area, the key characteristics and qualities to be protected within each area, and the types of development likely to be inappropriate in protecting those characteristics and attributes.

In early stages of the TEP process the Council considered options to deal with this issue, including the status quo or the commissioning of an independent assessment¹². The Council determined it appropriate to commission an independent report. This has been undertaken by James Bentley of Boffa Miskell Ltd. Further the report has been peer reviewed by Bridget Gilbert, Landscape Architect, BGLA Ltd.

The draft Coastal Environment Study has set out draft overlay areas and these have been tested through community and landowner engagement as discussed above. Generally, there was a high level of acceptance of the location proposed for the draft mapping, however a number of small changes were made during the course of the engagement process. Further refinement to the content of the study, including additional text on existing activities and potential threats, will be undertaken in due course to reflect feedback received.

The next steps to work through the identification issue are:

- Follow up to engagement – many of the people involved in the engagement have provided feedback and the Council has received a lot of written feedback in relation to the mapping. All of these matters need to be reviewed, documented, and responded to where required.
- Meetings and site visits –there be further one on one meetings and/or site visits with landowners who have concerns over the mapping that have not been able to be resolved through the engagement process to date. This is likely to be undertaken during August – October 2021, with timing to be confirmed to fit restrictions on landowners during this period.
- Documentation – it is proposed that the feedback on the identification of the CE area, and changes made as a result of that feedback, be documented in a brief report (together with feedback on rules as set out below in section 5 of this report).
- Finalization of the maps and the Coastal Environment Study, subject to the formal submission process for the TEP.

It is requested that the Council endorse this next phase of engagement and refinement of the mapping and identification process.

¹² See Appendix 2 to this report for more information on the options considered.

5 Issue 2 – Management of Activities in the Coastal Environment

The outcome sought for this issue is that activities within the Coastal Environment are managed, and the coastal natural character is recognised and managed according to national direction, to achieve protection of the characteristics identified.

To achieve the required protection, the TEP needs to clearly articulate the intended outcomes for the CE as a whole and the various natural character areas. This requires a clear and robust set of objective(s), policies and rules. The objective/policy level needs to clearly articulate the different requirements for preservation and protection, while the rules need to implement the RMA, NZCPS and other relevant instruments of national direction, as well as reflect recent key landscape case law (including the King Salmon and Davidson cases) and take into account relevant planning documents recognised by iwi authorities.

In the Councillor workshop on this issue in October 2020, discussion was led on the potential types of rules that are commonly applied within CE areas, and the types of activities usually considered inappropriate. This is largely grounded in the technical study which has identified the types of activities that threaten coastal values and natural character. The engagement process described above (see section 3.1 of this report) has enabled further discussion with landowners over the types of activities being undertaken in coastal areas and the characteristics that require protection.

The engagement process has allowed discussion with landowners on the types of rules likely to be considered and it is clear from the feedback received that there is a strong desire that the rules not just focus on ‘inappropriate’ activities or those that could threaten identified characteristics. There was considerable feedback that the rules need to clearly set out what activities are already occurring, or are anticipated to occur, and that these be stated as permitted to avoid confusion or misunderstanding. Further there is a desire that there be some degree of flexibility for change to recognise that landuses, and farming in particular, are not static but need to change to respond to changing markets or environmental or community changes over time.

It was also apparent that in many parts of the CE where there is existing development, or pressure for development, there are also known coastal hazards. The Council’s coastal hazard management project has provided modelling of coastal erosion and inundation risk (including through sea level rise) and this workstream will be entering another round of public engagement in mid 2021 to talk to the community about options for future coastal management. It appears likely, given the risk to life and assets, that future coastal hazard rules will be quite restrictive of development in some parts of the CE.

The types of activities discussed through the engagement to date include:

- Buildings:
 - Potential for reconsideration of the current rules that require resource consent for any new buildings within the CE, to not place this restriction on land already zoned for residential activity.
 - Enablement of modest extensions to existing dwellings, and small scale buildings, are also desired.
 - There appears to be general acceptance of the need to control larger scale buildings in the CE generally and all buildings in areas of high (or greater) natural character value.
 - These matters, and the scale of buildings to be controlled, need further consideration.

- ‘Inappropriate’ activities:
 - There was general acceptance that the activities of new exotic plantation forestry (afforestation), mining/quarrying, large scale earthworks and indigenous vegetation clearance are most likely to be ‘inappropriate’ within the CE and merit stringent rules.
- Other activities:
 - Discussion was had around other activities that may (or may not) have impacts on the CE or areas of high (or greater) natural character, and which may require a resource consent process to ensure that effects are avoided or managed. Such activities discussed include fencing, infrastructure, tracks and roads, farming generally, coastal protection structures and subdivision.
- Areas identified as being Outstanding Natural Character are directed by the NZCPS to have the greatest restriction on development as they are the most vulnerable to change with very little modification to date. Careful consideration is needed to determine if any activities can be permitted in these areas.
- Consideration needs to be given to opportunities for enhancement and restoration of natural character within the CE as taking a proactive step beyond just protection.

The next steps proposed to work through the management and rules issue are:

- Follow up to engagement – many of the people involved in the engagement have provided feedback and the Council has received a lot of written feedback in relation to activities and rules. All of these matters need to be reviewed, documented, and responded to where required.
- Meetings and site visits – as part of the meetings and/or site visits in August – October 2021 there will be specific discussion on possible rules to better understand reaction to the possible management approaches.
- Documentation – the feedback on the possible rules will be documented in a brief report (together with feedback on mapping as set out above in section 4 of this report). Formal rule drafting (plan drafting) will not commence until 2022 but further refinement of possible rules can be efficiently undertaken in parallel with the engagement processes.
- Iwi hui – there will be specific hui with iwi to determine a method of incorporating cultural values and issues into the Coastal Environment Study and associated plan provisions, and to discuss the overlap of this topic with other key topics of interest to iwi.

It is requested that the Council endorse this next phase of engagement and refinement of the possible rules prior to formal rule drafting.

Given the clear overlap in both spatial areas and values / characteristics between this coastal environment topic and the topics of landscapes, hazards, biodiversity and cultural values, it is recommended that integration be carefully considered. It is important to ensure that policy direction on these topics is clear and does not lead to confusion in implementation. Similarly, it is necessary to ensure that rules relating to these topics are clearly applied and do not look or act like duplication. To facilitate clarity and integration, there will be a workshop later this year with relevant staff and Councilors to start to progress integration. This will also work towards the goal of the TEP achieving ki uta ki tai.

6 Summary

Table 1: Summary of Issues and Options, Engagement, and Next Steps

Issue	Outcome(s) Sought	Option Taken	Engagement	Assumptions, Uncertainties, Further work, Information Gaps	Next steps
Issue 1: Identification of the Coastal Environment and its Natural Character	<p>Mapping of the CE line, based on technical information and methodologies, including identification of characteristics and threats.</p> <p>Assessment of coastal natural character including identification of areas high, very high and outstanding natural character.</p>	Undertake an independent technical study of the coastal parts of the district to map the CE and identify the natural character.	Landowner and community engagement through website, webinars, technical reports, meetings and open days. Discussion of study methodology and criteria, mapping approach and mapping changes where relevant.	The community engagement process undertaken has refined the understanding of areas, characteristics and threats and will enable updates to the technical assessment. Further gaps can be filled with additional engagement.	<p>Follow up to engagement in response to the feedback received.</p> <p>Meetings and site visits to deal with issues raised and mapping concerns following engagement.</p> <p>Documentation of feedback received, and changes made as a result of that feedback.</p> <p>Finalization of the maps and the Coastal Environment Study (subject to the formal submission process for the TEP).</p>
Issue 2: Management of Activities in the	Management of the CE, through objectives, policies and rules, to protect	Develop a comprehensive set of objectives and policies that clearly state the intent to protect and enhance the CE and	Landowner and community engagement through website, webinars, technical	The community engagement process undertaken has given a better understanding of	Follow up to engagement in response to the feedback received.

Issue	Outcome(s) Sought	Option Taken	Engagement	Assumptions, Uncertainties, Further work, Information Gaps	Next steps
Coastal Environment	identified characteristics from inappropriate activities.	areas of high natural character, supported by a set of rules targeted towards managing future landuse and development that has the potential to damage or destroy the identified characteristics.	reports, meetings and open days. Discussion of existing landuses, potential future land use and activities that require restriction.	current landuse, aspirations for future landuse and impacts of possible rules. Further gaps can be filled with additional engagement.	Meetings and site visits to address issues raised and continue conversations on possible rules to better understand reaction to the possible management approach. Documentation of feedback received, and possible rules to apply.

7 Appendix 1 – Background Summary

The following is a summary of the background to this topic and is an expansion on section 3 of this report. Much of this material has already been presented to the Council in earlier workshops on this topic.

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*” is set out as a matter of national importance under s6(a) of the RMA. This protection is also explicit within the coastal environment under the NZCPS.

This topic report seeks to define the CE of the District and identify within the CE the natural character. Following the identification of these areas, the secondary part of the topic report relates to determination of appropriate management approaches to the protection of the characteristics identified. To inform this work, the Council commissioned a Coastal Environment Study¹³.

The coastal environment identified in the Coastal Environment Study encompasses the coastal marine area (CMA) extending out to 12 nautical-mile limit and a relatively narrow fringe of coastal land above mean high water springs (MHWS). The inland extent has been identified (with guidance from NZCPS Policy 1 (2)) as generally being the part of the coast where “*coastal processes, influences or qualities are significant*”.

The assessment of coastal natural character has responded to NZCPS (Policy 13) and considers the extent to which existing natural elements, patterns and processes exist and have undergone human modification. This assessment has been considered in terms of abiotic, biotic and experiential attributes and assisted with a technical workshop hosted by the study team with a range of advisors experienced in the coastal environment and its characteristics. Coastal natural character aspects have primarily been considered in terms of the degree of human biophysical modification alongside associated experiential aspects which exist as a result of such levels of modification remaining apparent.

The Tasman coastal environment is geologically diverse and varies between the ruggedness of the north-west coast to the golden sandy beaches found to the east of the District. The coastal environment contains a range of naturally uncommon ecosystems including active sand dunes, coastal cliffs, coastal turfs, and estuaries. These ecosystems are found throughout the Tasman District, but are most common on the north west coast where there is less modification. Offshore the Tasman District supports a diverse range of marine mammals, birds, invertebrates and fish, and contains a variety of habitats and ecosystems. The marine ecosystems species found on the north west coast of the District are very different to those found in the sheltered waters to the east. The area also has many unmodified islands which act as strongholds for some of New Zealand’s endangered and rare bird species.

Much of the coastal environment with at least high natural character occurs in the CMA and are primarily associated with areas that have received very low levels of modification. Much of the modification within the CMA in Tasman is through commercial fishing/ trawling techniques. Large areas of aquaculture are also present. Sheltered and enclosed areas, including Whanganui Inlet rate highly due to limited levels of modification. For terrestrial areas, large areas of high natural character

¹³ Te Tai o Aorere / Tasman District Coastal Environment Study, Coastal Natural Character Assessment, Prepared for Tasman District Council, February 2021, 2020.

are associated with the north west coast and parts of Abel Tasman, with the more modified flatter areas, receiving the least mapped high areas.

The Coastal Environment and the areas particular natural character significance are shown in Figure 1 below:

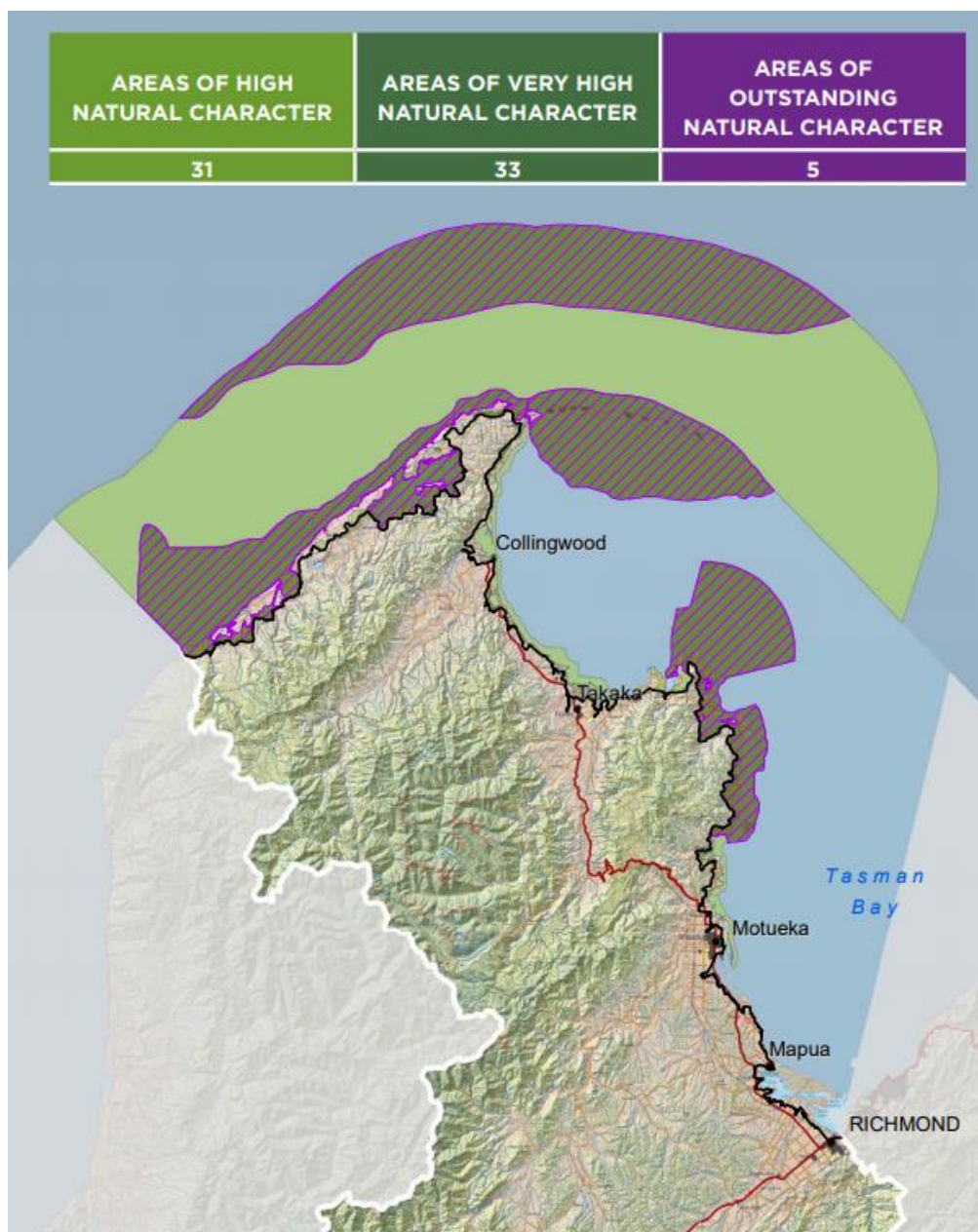


Figure 1: Draft Coastal Environment and key Coastal Natural Character areas

The Coastal Environment Study did not directly address Outstanding Natural Features and Landscapes, with that work being undertaken independently through the District Landscape Study¹⁴. In understanding the outputs of the Coastal Environment Study, it is important to note the

¹⁴ Tasman District Landscape Study, Bridget Gilbert, 2020.

differences, and overlaps, between the matters of Landscape and Natural Character. The key relationships are set out in Figure 2 below:

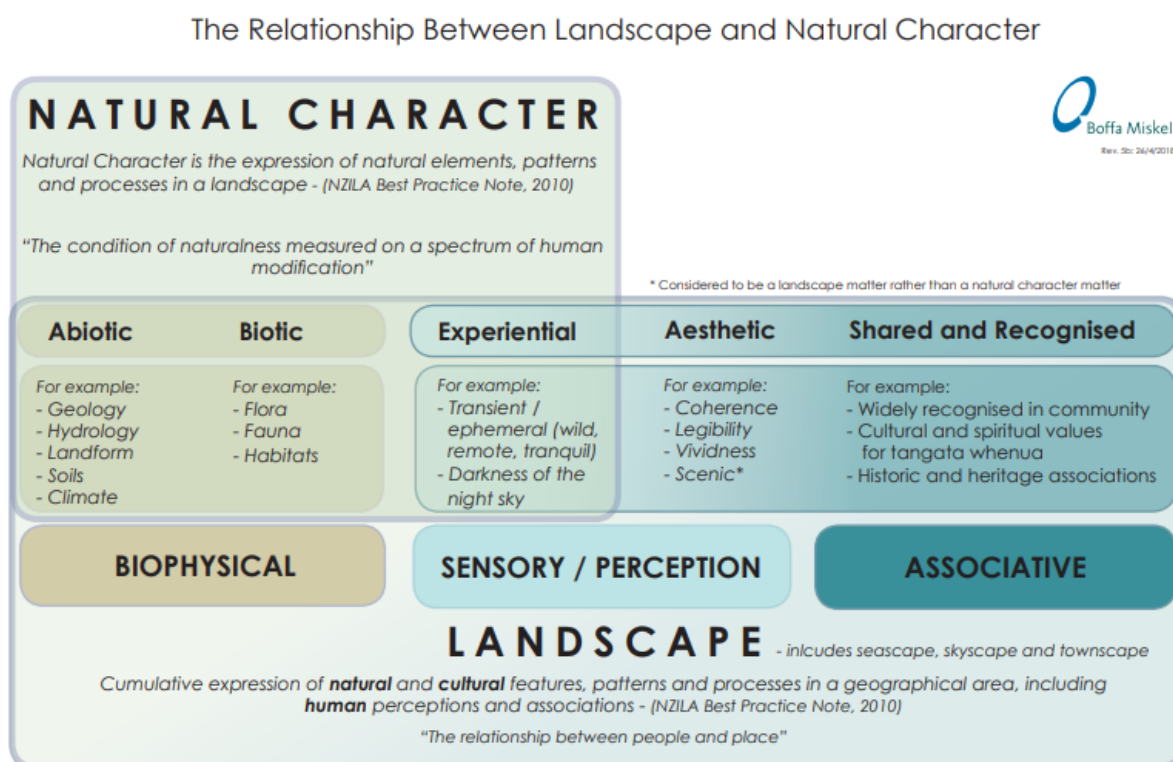


Figure 2: Landscape and Natural Character

The operative TRMP addresses the topic of the coastal environment within a range of sections including Part III - coastal marine area (in relation to the coastal marine area that extends seaward of the line of mean high water springs (MHWS) to 12 nautical miles offshore and includes all foreshore, seabed and sea in that area and the air space above it), and within parts of Part II – land such as Chapter 8 - margins of rivers, lakes, wetlands and the coast. The operative TRMP includes a “Coastal Environment Area” which is a nominal roughly 200m width of area inland from MHWS, within which there are rules requiring consent for new buildings or larger scale extensions to existing buildings (Chapter 18.11). There are also limits within the TRMP zoning to avoid new development within the coastal environment area, and consent is required to remove indigenous forest in that area.

The section 35 reporting relating to the various elements of the coastal environment, especially in relation to Chapter 8, has concluded that:

Achievement of the Chapter 8 objectives is inconsistent across the region and varies across different waterbody types. The policy frameworks for both natural character and public access have significant overlap with other policy chapters in the TRMP, and a variety of associated rules spread throughout the district and regional plans. However, the current framework across the TRMP does not provide fully integrated management of water bodies and their margins, or provide comprehensive protection and enhancement of natural character of water body margins for its own intrinsic value and importance in waterbody health and function.¹⁵

¹⁵ Efficiency and Effectiveness Evaluation, Chapter 8: Margins of Rivers, Lakes, Wetlands and the Coast, 20 June 2020, page 1.

The wide range of policy scope associated with the natural character objective (8.2.2) confuses the intent of this section. Some policies seek to protect waterbody margins or margin elements from adverse effects, while others seek to protect aspects wider in scope than waterbody margins, including landscapes, seascapes and cultural and historic sites. The range of rules identified further muddle the intent of the chapter both widening and reducing the scope of aspects addressed through the policies. There are also policies in this chapter that support the Coastal Environment Area rules in Chapter 18.11, but there are no comparable rules for freshwater body margins.¹⁶

Further, the recommendations of the section 35 analysis include:

For ease of use and clarity, investigate restructuring of the chapter to provide a separate objectives/policy/rule set for coastal margins (and other coastal environment areas as needed) from other water body margins. For example, defining several overlay areas for management of different aspects of the coastal environment, including margins with separate objective/policy/rule sets, including structural requirements under the NPStds.¹⁷

The section 35 analysis also provides a section focussing on the NZCPS¹⁸ and particularly notes that the TRMP does not give effect to the NZCPS and implementation of the NZCPS has been influenced by a lack of detailed spatial definition of the coastal environment in the Tasman region. That analysis concludes that particular matters for consideration in the TEP include: the spatial definition of 'coastal environment' for Tasman; assessing the nature character of the coastal environment and identifying areas of outstanding natural character; as well as reviewing the policy framework and rule activity status to implement the 'avoid' requirements of NZCPS Policy 13 1a and 1b.

Specific iwi interest in the topic of the coastal environment is understood to relate particularly to the protection of coastal water quality and habitats, bird breeding, flora and fauna including marine biota, mahinga kai and taonga, coastal margin effects and use of the coastal marine area.

Community feedback through the initial TEP consultation (October - November 2020) clearly shows a high level of community interest in the coastal space. Some of the key issues raised include:

- Uses of beaches and the foreshore and their impacts on the environment e.g. dogs, vehicles.
- Biodiversity values and water quality.
- Development on the coastal margins – housing and industry.

Recent landowner engagement (March – May 2021) regarding the draft Coastal Environment line in the Coastal Environment Study has shown the high degree of landowner interest in these issues, and highlighted the wider public interest. Much of the feedback has been concerned over potential impacts on future use of the land and property values.

7.1 Issue(s) we are seeking to Address

Key issues that are to be addressed under this topic include:

¹⁶ Efficiency and Effectiveness Evaluation, Chapter 8: Margins of Rivers, Lakes, Wetlands and the Coast, 20 June 2020, page 3.

¹⁷ Efficiency and Effectiveness Evaluation, Chapter 8: Margins of Rivers, Lakes, Wetlands and the Coast, 20 June 2020, page 6.

¹⁸ Efficiency and Effectiveness Evaluation, Chapter 8: Margins of Rivers, Lakes, Wetlands and the Coast, 20 June 2020, page 24.

- **Issue 1: Identification of the Coastal Environment and its Natural Character.**

Technical assessment is required to identify and map the Coastal Environment and its natural character consistent with the requirements of the NZCPS, and provide a robust analysis of characteristics and threats within that area.

There is currently no coastal environment line in the TRMP that meets the NZCPS requirements and no comprehensive assessment of coastal natural character, and thus the RMA and NZCPS have not been given effect to for identification of the coastal environment or coastal natural character.

- **Issue 2: Management of the Coastal Environment and Coastal Natural Character.**

To achieve protection of the CE and associated natural characteristics, a management approach needs to be developed. This management approach needs to set out clear protection outcomes, through an integrated objective/policy framework and provisions (rules) to implement the RMA, NZCPS and other relevant instruments of national direction.

With no robust CE or CNC areas identified in the TRMP there is inadequate recognition of, or protection for, CE and CNC characteristics. Opportunities for restoration or enhancement are also sought through the new TEP provisions.

7.1.1 Regional Significance of Issue(s)

The Coastal Environment is a key part of the district with a high level of community use and interest. Within this there are some very important areas of coastal natural character value. This topic was also identified at the May 2021 Iwi Working Group hui as being a priority to iwi.

The protection of the coastal environment and key coastal natural character areas is a matter of regional (and national) significance. See also the Significant Resource Management Issues paper provided to Council on 17 March 2021.

7.1.2 Why Change is Needed (or Not)

The current TRMP does not identify the CE in the manner required by the NZCPS, or assess and identify coastal natural character. In this regard it does not give effect to the RMA, NZCPS or other national direction. There is also increasing growth pressure on the CE for development and land use change, as well as growing demands for protection to limit degradation and recognise iwi and community concern.

This workstream needs to be undertaken to give effect to higher order directions, through identifying the CE and natural character comprehensively and providing a provision framework for the protection of coastal and coastal natural character.

7.1.3 Issue(s): Waahi-Specific or Whole of District?

Council must implement integrated management of natural resources. This will be supported by the ki uta ki tai guiding principle, where everything is connected – from the mountains to the sea. To achieve this, the TEP process will consider natural resource use, protection and enhancement spatially across Tasman in seven waahi (places). The waahi are based on groupings of catchments where there are communities with shared values and interests (see Appendix 1) that are likely to affect natural resources in those catchments. Consideration of issues and options across all the resource management functions within each waahi will allow for identification of conflicts or

overlaps between different issues, as well as synergistic options that provide for multiple outcomes sought within the waahi.

Waahi planning is at its core a means to:

- Coordinate management of interconnected elements/resources (natural, cultural, social, economic, physical).
- Take into account the impacts of management of one element/resource on the values of another, or the environment.
- Ensure resource management approaches across administrative boundaries are consistent and complementary.
- Ensure strategic outcomes are identified for each waahi, promoting healthy ecosystems and ecosystem services, and associated objectives, policies and methods that negate the risk of exceeding environmental bottom limits.
- Ensure principles of Te Tiriti O Waitangi are taken into account.

Table 2 below identifies if the issue occurs in a specific waahi or across the whole of the district.

Table 2: Planning Issues and Where they Occur

Planning Issue	Waahi 1 Waimea	Waahi 2 Moutere	Waahi 3 Motueka-Riwaka	Waahi 4 Abel Tasman- Kaiterere	Waahi 5 Tākaka	Waahi 6 Aorere-West Coast	Waahi 7 Upper Buller
Issue 1: Identification of the Coastal Environment and its Natural Character	Applies to all areas						n/a
Issue 2: Management of the Coastal Environment and Coastal Natural Character	Applies to all areas						n/a

7.2 How Issue(s) relate to other Topics

The topic of Coastal Environment and Coastal Natural Character overlaps with a range of other topics in the following ways:

- **Sites and Areas of Significance to Māori** – the coastal environment and associated natural characteristics are integral to the expression of rangatiratanga and kaitiakitanga. Understanding the relationship iwi have with the coastal environment and what areas and methods are needed to protect and enhance connection with their taonga tuku iho will be facilitated through targeted hui.
- **Ecosystems / Biodiversity** – many areas within the Coastal Environment have very high ecosystem and biodiversity values. The value of ecosystems and biodiversity, and particularly indigenous vegetation and habitats, to the natural character is high and thus there is a correlation between the protection or enhancement of biodiversity values and the protection and enhancement of coastal natural character. Some parts of the coastal environment however also encompass areas with low biodiversity value and high

modification. Integration between these topics will be needed to avoid duplication within TEP provisions.

- **Landscapes** – the ONFL areas have key overlaps with the Coastal Environment, especially in relation to the Golden Bay ONL and some areas of coastal foreshore. There is a commonality in the values that make up these areas and the likely management approaches which will require integration in the development of TEP provisions.
- **Heritage and Cultural values** – there are many areas of heritage and cultural value located within the coastal environment and there will be a commonality of protection to manage these areas of national importance. Again, good integration will be necessary to avoid duplication.
- **Natural Hazards** – in a spatial sense, the coastal environment also overlaps with many areas of natural hazards especially coastal erosion and inundation hazards. In a management sense however there is less overlap and the restrictions that will be required to achieve natural hazard risk prevention may be of benefit to protecting coastal environment characteristics.
- **Rural** – some of the coastal environment encompasses working rural land and the management approaches to ensure protection of the coastal environment and coastal natural character may restrict wider rural activities. Exploration of the overlap, or potential conflict, between these issues will be explored through community and landowner engagement processes.
- **Public access**-issues related to public being able to access coastal margins need to be considered in relation to protection of natural values. This will be discussed and explored further in another Issues and Options report on Public Access and Open Space.

7.3 How Issues(s) relate to Iwi Interests and Values

The TEP plays an important a role to support the expression of kaitiakitanga and rāngatiratanga. Iwi resource management priorities and leadership may be realised through provisions of the TEP. An innovative plan will support aspirations for managing ancestral whenua and taonga in the Tasman District and across Te Tau Ihu. To achieve Te Mana O Te Taiao, Te Mana O Te Wai and Te Mana O Te Tāngata, this report has considered the following strategic outcomes:

- Respectful partnerships and governance structures supporting council and iwi collaboration, in the Tasman District and across Te Tau Ihu are established and strengthened.
- Te Tiriti O Waitangi principles and customary rights inform a resource management framework to support iwi resource management values and priorities within the TEP.
- Iwi connections and access to cultural landscapes, sites of significance and heritage are protected and restored.
- Economic and cultural development is enabled through access to and the use of cultural redress resources, Te Tiriti O Waitangi settlement land and taonga, including the coastal environment, in accordance with Settlement Acts and Statutory Acknowledgments.
- Environmental limits and targets are set to achieve meaningful cultural, environmental and economic outcomes, enhancing the mauri of Te Taiao.
- Integrated management is supported by a ki uta ki tai philosophy enabling the application of tikanga and Mātauranga Māori to TEP provisions.

Specific iwi interest in the topic of the coastal environment lies in the protection of coastal water quality and habitats, bird breeding, flora and fauna including marine biota, mahinga kai and taonga, coastal margin effects and use of the coastal marine area. Appropriate identification of the coastal environment and coastal natural character, and robust protection through provisions, will assist to protect these areas of value to iwi.

7.4 Statutory, Policy Context and Scope

Key statutory drivers for this topic include:

Resource Management Act

Section 6 Matters of National Importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide 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:

NZ Coastal Policy Statement Policy 1

Policy 1 Extent and characteristics of the coastal environment

(1) Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.

(2) Recognise that the coastal environment includes:

(a) the coastal marine area;

(b) islands within the coastal marine area;

(c) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;

(d) areas at risk from coastal hazards;

(e) coastal vegetation and the habitat of indigenous coastal species including migratory birds;

(f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;

(g) items of cultural and historic heritage in the coastal marine area or on the coast;

(h) inter-related coastal marine and terrestrial systems, including the intertidal zone; and

(i) physical resources and built facilities, including infrastructure, that have modified the coastal environment.

NZ Coastal Policy Statement Policy 13

Policy 13 Preservation of natural character

(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:

(a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and

(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;

including by:

(c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and

- (d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.*
- (2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:*
- (a) natural elements, processes and patterns;*
- (b) biophysical, ecological, geological and geomorphological aspects;*
- (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;*
- (d) the natural movement of water and sediment;*
- (e) the natural darkness of the night sky;*
- (f) places or areas that are wild or scenic;*
- (g) a range of natural character from pristine to modified; and*
- (h) experiential attributes, including the sounds and smell of the sea; and their context or setting.*

Statutory Acknowledgement areas

The Statutory Acknowledgement areas relevant to the Tasman District include many coastal areas, including Farewell Spit, Separation Point / Te Matau, Kaiteriteri Scenic reserve, and the coastal marine area generally. The Statutory Acknowledgements require the Council to acknowledge the relationship of iwi with these places and to provide for cultural values in the management of these areas.

Natural and Built Environment Act (NBA)¹⁹

At the time of preparing this report, the content of the NBA is unclear on what is intended for the protection of the coastal environment and its natural character. It is expected that there will be a requirement to protect and enhance Māori relationships and customary rights to the coastal environment, as well as protection of the natural character of the CE and coastal marine area.

Essentially the scope and outcomes for this topic include: the identification of CE and natural character areas, and protection of their characteristics.

7.5 Methods Considered

Consideration of options to address identified issues and achieve desired outcomes fall into six main categories that are within the functions of Council:

- Regulation (through the Tasman Environment Plan)
- Investigation and Monitoring
- Education, Advice and Advocacy
- Works and Services provided by Council
- Financial assistance
- Community Partnerships

¹⁹ The RMA reform currently occurring will include the development of three new pieces of legislation including the Natural and Built Environment Act (NBA).

Other methods may also be undertaken by iwi, industry or community groups, which play an important role in achieving the outcomes sought in the Tasman district, however these aspects fall outside the scope of the options considered in this report, except indirectly where they may be supported by a council function or service (for example financial subsidy or technical assistance for a community group project).

7.5.1 Implementation Plans

Any regulation options identified will be implemented through the development of the TEP. Any other non-regulatory methods identified will be actioned through a separate Implementation Plan that is released for community feedback alongside the Draft TEP.

The intent of the Implementation Plan will be to outline and cost the non-regulatory methods for inclusion in other council processes including funding through the Long Term Plan process and implementation through the Activity Management Plans.

8 Appendix 2 – Analysis for the Identification of the CE

The following analysis relates to Issue 1: Identification of the CE and its natural character. It elaborates on the scale and significance of the issue and the options explored earlier in consideration of this workstream.

8.1 Scale and Significance

Table 3: Scale and significance table – Issue 1

	Comments	Assessment
Degree of change from the Status Quo	The current coastal environment area is a nominal line with no technical basis. There is no current comprehensive assessment of coastal natural character. This outcome is a significant change from the status quo	High
Effects on matters of national importance (s6 RMA)	<u>Resource Management Act</u> Section 6 Matters of National Importance <i>(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</i> <u>NZ Coastal Policy Statement</u> Policy 1 Extent and characteristics of the coastal environment Policy 13 Preservation of natural character	High
Scale of effects – geographically (local, district wide, regional, national)	The whole coastal edge of the district and the CMA has been identified as being within the Coastal Environment. The effects of identification are across a significant and highly visible part of the district.	High
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)	There is a high degree of interest in this subject from landowners (around 2,500 landowners own land subject to the draft CE areas), iwi authorities and entities, stakeholder and community groups and the general public. This issue is also of relevance to future generations.	High
Scale of effects on those with particular interests, e.g. Tāngata Whenua	Tāngata whenua have a particular interest in the coastal environment due particularly to the overlap of these areas with areas of high cultural value, especially in relation to indigenous biodiversity and mahinga kai.	High
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	The recently completed Coastal Environment Study has provided a very high level of knowledge of the coastal and coastal natural character of the district and a good evidence base. There is a high level of understanding of the potential risks to the characteristics identified. There is a good level of	High

	Comments	Assessment
	understanding of benefits and costs and the approach is similar to that employed elsewhere.	
Likelihood of increased costs or restrictions on individuals, businesses or communities.	<p>The loss of coastal natural character has the potential for acute and cumulative adverse effects. The effects are identified as a potential negative impact on a matter of national importance (Part 2).</p> <p>There is the potential for effects on social, economic and cultural wellbeing, as well as on environmental wellbeing, if the coastal environment and coastal natural character are not robustly identified.</p> <p>Identification of land as having high or greater natural character value could lead to restriction on the use of that land by individuals.</p>	High

8.2 Option(s) to address Outcomes

The main option(s) to provide for the delineation of the CE line and an assessment of coastal natural character are summarised in Table 4:

Table 4: Options identified - Issue 1

Option number	Option Name	Description of Option
Option 1	Retain status quo	Retain the current RPS/TRMP approach.
Option 2	Commission an independent assessment to identify and map the CE and NC.	Commission an independent technical assessment of the CE and natural character areas and adopt the mapping and study outcomes. This is the approach taken by many other Councils (including Nelson and Marlborough).

These options are described in turn below, followed by an assessment of their strengths and weaknesses.

8.2.1 Option Analysis

The status quo option involves retaining the current RPS/TRMP approach of having a nominal 200m wide coastal environment strip around the whole coastline regardless of topography, land cover, landuse or other differences in the area. It also would retain the current situation of having no assessment of coastal natural character. Continuing this approach would not provide any robust basis on which to develop appropriate rules to manage activities and achieve protection of identified characteristics. It also would not enable the TEP to give effect to the RMA, NZCPS and other national direction which relies on identification of the CE and natural characteristics.

The alternative approach of commissioning an independent technical assessment is the approach taken by most Councils in preparation of contemporary plans. This ensures a robust assessment that meets all the requirements for identification of the CE and natural characteristics and threats. It provides a strong basis on which to build policy and provisions for protection.

8.2.1.1 Assessment of Strengths and Weaknesses

Table 5: Assessment of Strengths and Weaknesses - Issue 1

	Strengths	Weakness
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Option 1: Status Quo	<ul style="list-style-type: none"> No change required 	<ul style="list-style-type: none"> Does not give effect to the RMA and NZCPS Out of date approach Gives no robust basis for protection Does not meet community concerns for protection of the CE or CNC
Option 2: Independent Technical Assessment	<ul style="list-style-type: none"> Would give effect to the expectations of the RMA and NZCPS Contemporary and best practice approach, as undertaken by many other Councils Gives a robust basis for protection provisions Would address community concerns for protection of the CE and CNC 	<ul style="list-style-type: none"> Higher level of evaluation is likely to raise community concern

8.2.1.2 Relevance and Applicability

This is a regionally (and nationally) significant issue of relevance to many parties. The need for robust, independent and contemporary assessment of the CE and associated natural character means that the status quo option is not an applicable method. The use of an independent assessment is necessary to ensure that Council's resource management functions are met and there is a strong technical basis for the development of policy and provisions.

8.2.2 Evaluation Summary per Option

Table 6 summarises the extent to which each option meets or achieves a number of key considerations.

Table 6: Evaluation of Options - Issue 1

Options	RMA purpose	National Direction	TEP Principles	Efficiency at addressing issue(s)	Effectiveness at addressing issue(s)	Strengths	Weaknesses
Option 1	Does not meet	Does not meet	Does not meet	Does not meet	Does not meet	Low	High
Option 2	Achieves	Achieves	Achieves	Achieves	Achieves	High	Low

8.2.3 Option Pursued

The Council chose to pursue option 2 and has commissioned an independent technical assessment which has produced a draft Coastal Environment Study.

This option was chosen because it most closely achieves the purpose of the RMA and relevant national direction because it will provide a robust assessment of the location of the CE boundary and the natural characteristics using best practice and from an independent perspective. It will enable a strong basis for understanding existing values and further threats, enabling clear management of activities. This option is the most efficient and effective option because the benefits outweigh the costs, and this option supports the TEP principles because it will enable environmental limits to be set, protection to be enabled to meet the needs of present and future generations and provides a precautionary approach.

9 Appendix 3 – Analysis for the Management of Activities in the CE

The following analysis relates to Issue 2: Management of Activities in the CE. It elaborates on the scale and significance of the issue and the options explored earlier in consideration of this workstream.

9.1 Scale and Significance

Table 7: Scale and significance table - Issue 2

	Comments	Assessment
Degree of change from the Status Quo	There is currently limited comprehensive policy and provisions applying to protect the CE in whole or in parts, and no provision for the CNC.	High
Effects on matters of national importance (s6 RMA)	<p>Resource Management Act Section 6 Matters of National Importance <i>(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</i></p> <p>NZ Coastal Policy Statement Policy 1 Extent and characteristics of the coastal environment</p> <p>Policy 13 Preservation of natural character</p>	High
Scale of effects – geographically (local, district wide, regional, national)	The whole coastal edge of the district and the CMA has been identified as being within the Coastal Environment and there are a number of high value CNC areas. The effects of coastal environment policy and provisions are across significant and highly visible parts of the district.	High
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)	There is a high degree of interest in this subject from landowners (around 2,500 landowners own land subject to the draft CE areas), iwi entities, stakeholder and community groups and the general public. This issue is also of relevance to future generations.	High
Scale of effects on those with particular interests, e.g. Tāngata Whenua	Tāngata whenua have a particular interest in the coastal environment due particularly to the overlap of these areas with areas of high cultural value, especially in relation to indigenous biodiversity and mahinga kai.	High
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed	The recently completed Coastal Environment Study has provided a very high level of knowledge of the coastal and coastal natural character of the district and a good evidence base for the development of policy and rules. There is a high level of understanding of	High

	Comments	Assessment
by other standards/commonly accepted best practice?	the potential risks to the characteristics identified. The policy approach can be tailored to this understanding. There is a good level of understanding of benefits and costs given the application of such provisions to many districts around the country. The approach is very similar to that employed elsewhere including in the Nelson and Marlborough Districts.	
Likelihood of increased costs or restrictions on individuals, businesses or communities.	The loss of coastal natural character has the potential for acute and cumulative adverse effects. The effects are identified as a potential negative impact on a matter of national importance (Part 2). There is the potential for effects on social, economic and cultural wellbeing, as well as on environmental wellbeing, if the coastal environment and coastal natural character are not robustly identified. Identification of land as having high or greater natural character value could lead to restriction on the use of that land by individuals.	High

9.2 Option(s) to address Outcomes

The main option(s) to manage the need for policies and provisions to protect the CE and areas of high or greater CNC value are summarised in Table 8:

Table 8: Options identified - Issue 2

Option number	Option Name	Description of Option
Option 1	Retain status quo	Retain the current RPS/TRMP approach with a nominal 200m wide CE area and associated simple building related rules, and no provision for associated natural character.
Option 2	Develop comprehensive policy and provisions for the TEP informed by the technical assessment, community feedback and best practice.	Develop a comprehensive set of objectives, policies and rules to direct protection and manage landuse and development that could damage or destroy the identified CE and natural character. Consideration of opportunities for enhancement and restoration are also to be considered. This is the approach taken by many other Councils (including Nelson and Marlborough).

These options are described in turn below, followed by an assessment of their strengths and weaknesses.

9.2.1 Option Analysis

The status quo option involves retaining the limited policy and rule approach to the existing coastal environment area within the current RPS/TRMP. There would also be no provision for CNC or protection of areas with high or greater natural character value. This status quo approach would not enable any clear direction towards protection or robust provisions that achieve protection from future landuse and development, or address the nature of the CE area comprehensively. It also

would not enable the TEP to give effect to the RMA, NZCPS and other national direction which expects active protection to be provided to the CE and areas of high or greater natural character value

The alternative approach of developing a robust set of objectives, policies and rules will enable clear direction on the intention for preservation and protection of characteristics, and robust provisions focussed on landuse change that can damage or destroy the identified characteristics of the CE. This approach has been taken by many Councils in preparation of contemporary plans.

9.2.1.1 Assessment of Strengths and Weaknesses

Table 9: Assessment of Strengths and Weaknesses - Issue 2

	Strengths	Weakness
Option 1: Status Quo	<ul style="list-style-type: none"> No change required 	<ul style="list-style-type: none"> Does not give effect to the RMA and NZCPS Out of date approach Gives no clear direction that the intention is to provide for a tailored CE area that recognises the different parts of the CE and the varying characteristics within the CE Does not meet community concerns for protection of the CE and natural character Implies all parts of the coastal edge are the same and should be treated equally Does not provide protection from the range of landuse changes possible
Option 2: Comprehensive policy and provisions	<ul style="list-style-type: none"> Would give effect to the expectations of the RMA and NZCPS (and the expectations understood to be in the forthcoming NBA) Contemporary and best practice approach, as undertaken by many other Councils (including Nelson and Marlborough) Gives a robust basis for protection of characteristics Would address community concerns for protection of the CE and its natural characteristics Would provide a comprehensive set of provisions to achieve protection of characteristics 	<ul style="list-style-type: none"> Higher level of evaluation is likely to raise community concern

9.2.1.2 Relevance and Applicability

This is a regionally (and nationally) significant issue of relevance to many parties. The need for comprehensive protection of the CE and associated natural character means that the status quo option is not an applicable method. The use of comprehensive set of objectives, policies and rules is necessary to ensure that Council's resource management functions are met and there is a strong direction towards protection through rules.

9.2.2 Evaluation Summary per Option

Table 10 summarises the extent to which each option meets or achieves a number of key considerations.

Table 10: Evaluation of Options - Issue 2

Options	RMA purpose	National Direction	TEP Principles	Efficiency at addressing issue(s)	Effectiveness at addressing issue(s)	Strengths	Weaknesses
Option 1	Does not meet	Does not meet	Does not meet	Does not meet	Does not meet	Low	High
Option 2	Achieves	Achieves	Achieves	Achieves	Achieves	High	Low

9.2.3 Option Pursued

The Council chose to pursue option 2 and the public engagement has proceeded on the basis that there will be a comprehensive set of policy and provisions dealing with this topic in the TEP.

This option is recommended because it most closely achieves the purpose of the RMA, NZCPS and relevant national direction because it will provide for recognition of the CE and its uses, together with protection of natural character values. It will enable clear direction to enable protection of values from identified threats, enabling robust rules to manage activities. This option is the most efficient and effective option because the benefits outweigh the costs, and this option supports the TEP principles because it will enable environmental limits to be set, protection to be enabled to meet the needs of present and future generations and provides a precautionary approach.

10 Appendix 4 - References

Reference	Detail
Tasman District Coastal Environment Study, 2021	Bridget Gilbert, Bridget Gilbert Landscape Architecture. March 2021. Prepared for Tasman District Council. Draft for Landowner Consultation. Te Tai O Aorere / Tasman District Coastal Environment Study, Coastal Natural Character Assessment, Prepared for Tasman District Council, February 2021.
Section 35 Report, Chapter 8, 2020	TDC, Lisa McGlinchey, Efficiency and Effectiveness Evaluation, Chapter 8: Margins of Rivers, Lakes, Wetlands and the Coast, 20 June 2020