

**Tasman Resource Management Plan
Efficiency and Effectiveness Evaluation**

**Chapter 21:
Effects of Disturbance, Structures and
Occupation on Coastal Marine Conservation,
Heritage, Access and Amenity Values**

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Executive Summary

This report reviews the effectiveness and efficiency of the provisions in Chapter 21 'Effects of Disturbance, Structures and Occupation on Coastal Marine Conservation, Heritage, Access and Amenity Values' in the Tasman Resource Management Plan (TRMP).

The chapter is concerned with a wide range of key issues, including effects of use or development in the CMA on natural character, landscapes, seascapes and amenity values, the protection of coastal marine habitats and ecosystems, modification or interference with natural coastal processes, allowing for appropriate use and development in the CMA while protecting cultural heritage values, including tangata whenua interests, and providing for public access to the CMA.

Given the large number of matters covered in Chapter 21, there are many corresponding objectives and policies in the NZ Coastal Policy Statement 2010 (NZCPS) that need to be given effect to. The TRMP has not been updated to give full effect to the NZCPS 2010.

Another feature of the chapter is the interrelationship between land use activities and effects on the CMA. A number of the issues dealt with in Chapter 21, such as natural character, coastal habitats and ecosystems, and natural coastal processes, cross the land-CMA boundary established in the RMA. The NZCPS requires council to "Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment", including the local authority boundary between the CMA and land. A key focus in updating the TRMP is ensuring it has an integrated objective-policy-rule framework to meet this requirement.

Natural Character Provisions

The Chapter 21 objectives relating to natural character have been partially achieved through provisions that control the effects of structures and disturbance of the foreshore and seabed on natural character. For aquaculture, the siting of the Aquaculture Management Areas (AMAs) offshore has reduced impacts on the natural character of the coastal environment. Rule conditions related to noise and light emissions from structures and vessels further assist in reducing effects.

The identification of significant natural areas in Schedule 25D and the application of rules to restrict the activities that can be carried out within or adjacent to these areas has further assisted with the preservation of natural character. Even though the Schedule focuses on habitat and ecosystem values, it inevitably captures natural character and landscape values as well.

However, a lack of identification of natural character values in the TRMP, including for landscapes, seascapes and natural features has hampered the TRMP's ability to ensure effects of activities avoid or minimise impacts on natural character. This is evidenced by public concerns about such effects, for example in relation to aquaculture activities in Wainui Bay. This needs to be addressed when the TRMP is updated.

Habitat and Ecosystem Provisions

Schedule 25D identifies 22 areas having nationally or internationally important natural ecosystem values, and applies a range of rules relating to new structures and disturbance of the foreshore and seabed to avoid or minimise adverse effects of activities on the areas' values. Updated information about the District's habitats and ecosystems should be incorporated in the TRMP.

State of the environment monitoring data show that the health and condition of coastal habitats and ecosystems is generally being maintained. There are some problem areas, but these are predominantly due to land use activities controlled under the TRMP's district plan provisions, e.g. sedimentation caused by land disturbance. Also, the loss of sea floor habitat in Golden and Tasman Bays is largely attributed to historical fishing activities, notably trawling. There is some localised evidence of increased biodiversity in benthic communities beneath marine farms.

There is some concern that vehicle access on beaches is disturbing nesting bird sites. The effects of permitted activities on coastal habitats and ecosystems is generally not known.

Natural Coastal Process Provisions

The TRMP provisions relating to structures and disturbance in the CMA have allowed effects on natural coastal processes to be addressed for a number of activities, especially coastal protection works including beach replenishment, sand push-ups, and hard coastal walls. The extent to which these activities would interfere with natural coastal processes has been a strong consideration under TRMP provisions, and at least one application has been declined because of its likely impacts.

The close relationship between land use activities, such as coastal subdivision and development, and effects on natural coastal processes, including coastal erosion and inundation, requires stronger integration between TRMP provisions relating to land and the CMA. The NZCPS anticipates the need for managing effects and activities across the CMA-land boundary.

Effects of climate change, including sea level rise and more frequent and intense storms will exacerbate natural coastal processes, such as coastal erosion. The TRMP will need to be updated to account for this. The council has initiated the Tasman Coastal Management Project Responding to Sea Level Rise and the results of this will need to inform the review of the TRMP.

Cultural Heritage Provisions

The achievement of this objective is undermined by the limited identification of cultural heritage items, sites or areas identified in the CMA. Most of the items identified on TRMP heritage schedules are located on land and subject to district plan heritage provisions.

Without knowing the full extent of heritage values in the CMA, it is not possible to assess the extent to which they have been maintained or adversely affected. Compounding the situation is a lack of rules and assessment matters relating to effects on cultural heritage in the CMA – there being no relevant provisions in Chapter 25 of the TRMP.

Policy 19 in the NZCPS 2010 ('Historic heritage identification and protection') should be used to guide the review of the heritage provisions. In addition, the TRMP heritage schedules and provisions should be updated to take account of items, sites and areas identified by Heritage NZ and the NZ Archaeological Association, the Settlement Legislation for Te Tau Ihu iwi, and relevant iwi environmental management plans.

Public Access Provisions

Public access is largely permitted in, along and on the CMA, including for people, vehicles and craft. Initiatives such as creation of the Great Taste Cycle Trail and other walking and cycling infrastructure has enhanced public access to the coast. Council staff are also proactive in requiring esplanade reserves and strips as part of the subdivision process.

A question remains over the permitted activity status of rules with respect to public access and whether there are adverse effects. A lack of information about the effects of permitted activities makes this difficult to determine, but there is some concern that negative impacts can and do occur in certain circumstances on natural character, ecosystems, heritage and/or amenity values in some instances, e.g. vehicles driving on beaches near bird nesting sites.

Recommendations

Preservation of Natural Character

Objective set	Recommendations
<p>General</p>	<p>Review policy framework to ensure consistency with NZCPS 2010 requirements for natural character.</p> <p>Consolidate the natural character provisions in Chapter 21, which are spread between three objectives – 21.1, 21.3 and 21.7 and their related policies. It would be more efficient to deal with natural character in one section.</p> <p>Develop a process for determining the ownership of abandoned and unauthorised structures to meet the requirements of the MACA Act, and to assist with transfer of ownership to DoC in appropriate circumstances.</p> <p>Ensure relevant provisions in Iwi Management Plans are taken into account (see Appendix 1).</p>
<p>Objective 21.1.2</p> <p>Preservation of the natural character of the coastal marine area, particularly its margins, and including the maintenance of all values that contribute to natural character, and its protection from the adverse effects of use or development.</p>	<p>Review, to clarify the purpose of the objective, e.g. the wording mentions ‘preservation’, ‘maintenance’ and ‘protection’.</p> <p>Giving effect to the NZCPS provisions for natural character should help focus the objective.</p>
<p>Policy 21.1.3.1</p> <p>To avoid, remedy or mitigate adverse effects on the natural character of the coastal marine area from activities, including:</p> <ul style="list-style-type: none"> (a) physical modification to foreshore or seabed, including reclamation, dredging, removal or deposition of material, or other disturbance; (b) disturbance of plants, animals, or their habitats; (c) structures, including impediments to natural coastal processes; (d) the use of vessels or vehicles; (e) stock grazing or trampling on coastal margins; (f) the discharge of any contaminant or waste. 	<p>Retain intent, but review the relevance and completeness of listed effects.</p> <p>There are no rules controlling stock access and it has not been an issue in CMA.</p> <p>Discharge of contaminants in the CMA is addressed in Chapter 35.</p> <p>It is unclear how each of the activities listed are regulated in terms of the objective ‘natural character’. It is only when an activity becomes a discretionary activity that ‘natural character’ is a consideration.</p>

Objective set	Recommendations
<p>Policy 21.1.3.2</p> <p>To avoid, remedy or mitigate adverse effects on outstanding or other significant natural features and seascapes in the coastal marine area, including natural expanses of coastal water, arising from modification other than through natural processes.</p>	<p>Retain intent, but review in light of the need to identified landscapes, seascapes and natural features in the TRMP.</p>
<p>Policy 21.1.3.3</p> <p>To restrict the placement of structures in or along the coastal marine area to those for which a coastal location is necessary and whose presence does not detract from the natural character of the locality, including the natural character of adjoining land.</p>	<p>Retain intent, but review to provide guidance on assessing effects on ‘natural character of adjoining land’.</p> <p>The connection to ‘natural character of the locality’ and ‘natural character of adjoining land’ is not clear within rules.</p>
<p>Policy 21.1.3.4</p> <p>To avoid, remedy, or mitigate damage to foreshore, seabed and coastal marine animals and plants, caused by the passage of people, vehicles, vessels, or passage or grazing by stock.</p>	<p>Retain intent, but review, to provide guidance on the effects to be ARMEd and ensure they link to rules.</p> <p>The rules are generally permissive, allowing access to and on foreshore, although subject to ‘not causing any damage’. There are no rules that address stock access.</p>

Protection of Habitats and Ecosystems

Objective set	Recommendations
<p>General</p>	<p>Review to give effect to NZCPS 2010 requirements for indigenous biological diversity.</p> <p>Review to give effect to the National Planning Standards by including a distinct section or chapter on “Ecosystems and Indigenous Biodiversity”.</p> <p>Ensure consistency with the New Zealand and TDC Biodiversity Strategies (when updated / finalised).</p> <p>Identify policies that relate more closely to other sections in Chapter 21 and consider relocating and/or including a section of general policies that apply across the chapter.</p> <p>Review Schedule 25D to ensure it is updated to include information about additional habitats and ecosystems in the District; consider including regionally significant areas as well as the international and national ones.</p> <p>Ensure relevant provisions in Iwi Management Plans are taken into account (see Appendix 1).</p>
<p>Objective 21.2.2</p> <p>Avoidance, remediation, or mitigation of adverse effects on marine habitats and ecosystems caused by: (a) access by vessels, vehicles, people, or animals;</p>	<p>Review</p> <p>The objective relies on the out-of-date ARM wording and could be rewritten to be more directive.</p>

Objective set	Recommendations
<p>(b) the introduction of species non-indigenous to the District;</p> <p>(c) disturbance of the foreshore or seabed;</p> <p>(d) the placement and use of structures for port, berthage, aquaculture, network utilities, roads, mineral extraction or any other purpose;</p> <p>(e) the disposal of contaminants or waste, or accidental spillage of substances;</p> <p>with priority for avoidance in those areas having nationally or internationally important natural ecosystem values.</p>	<p>The list of activities should be reviewed for relevance and completeness, e.g. (e) is addressed in Chapter 35 'Discharges to the CMA' and could be removed from here.</p>
<p>Policy 21.2.3.1</p> <p>To assess existing unauthorised structures or works in the coastal marine area and either require their authorisation or removal after considering the significance of the effects of such structures or works on:</p> <p>(a) natural character;</p> <p>(b) natural coastal processes and patterns;</p> <p>(c) coastal habitats and ecosystems, particularly those supporting rare or endangered indigenous or migratory species, or nationally or internationally significant natural ecosystems;</p> <p>(d) public access to coastal marine space;</p> <p>(e) visual amenity and landscapes or seascapes;</p> <p>(f) navigational safety;</p> <p>(g) historic and cultural values.</p>	<p>Review to take account of the proposed Moorings Plan Change and to ensure consistency with NZCPS Policy 6 on obsolete structures.</p> <p>Some structures are best left were they are e.g. Tapu Bay wastewater pipe was left in the seabed for various reasons, including the potential disturbance from pulling it out.</p>
<p>Policy 21.2.3.2</p> <p>To allow navigational aids necessary for the efficient achievement of safe navigation throughout the coastal marine area, and to protect them from adverse effects of other activities.</p>	<p>Retain, as supports the permitted activity rule for TDC, Maritime NZ.</p> <p>Provides flexibility to move navigational aids that cannot be set in place and gazetted due to changing coastal conditions, e.g. to negotiate the sandbar in the Motueka Channel.</p> <p>Also picks up navigational aids needed by marine farms.</p>
<p>Policy 21.2.3.3</p> <p>To avoid, remedy or mitigate adverse effects of structures or works in the coastal marine area, for any purpose, on:</p> <p>(a) natural character;</p> <p>(b) natural coastal processes and patterns;</p> <p>(c) coastal habitats and ecosystems, particularly those supporting rare or endangered indigenous or migratory species, or nationally or internationally significant natural ecosystems;</p> <p>(d) public access to coastal marine space;</p> <p>(e) visual amenity and landscapes or seascapes;</p>	<p>Review</p> <p>This is a general policy wording covering aspects from the other Chapter 21 sections.</p> <p>Consider moving these to the appropriate sections, or include a section containing general policies that apply across the chapter.</p>

Objective set	Recommendations
(f) navigational safety; (g) historic and cultural values.	
<p>Policy 21.2.3.4</p> <p>To require that utility structures or facilities in the coastal marine area are proposed only after a comparative evaluation is undertaken of the effects of alternative sites or routes for such utilities, including on land not in the coastal marine area.</p>	<p>Retain, as useful to make sure structures / facilities are only in the CMA if needed.</p> <p>Tapu Bay pipeline was decommissioned and put on land because it wasn't essential to be in CMA.</p>
<p>Policy 21.2.3.5</p> <p>To avoid, remedy or mitigate adverse effects from the maintenance, replacement or protection of utility structures or facilities, including roading structures, wharves, or jetties, in the coastal marine area.</p>	<p>Retain, but review.</p> <p>Intent not clear – what effects are being managed here and what rule applies?</p>
<p>Policy 21.2.3.6</p> <p>To require the removal of disused or obsolete structures except where removal would have adverse effects on the environment or where the structure is registered under the Historic Places Act 1993.</p>	<p>Review, to take account of the proposed Moorings Plan Change.</p>
<p>Policy 21.2.3.7</p> <p>To prevent authorisation for any structure or work in the coastal marine area for or in conjunction with the harvesting or enhancement of any plant or animal, from being implemented, unless and until the fisheries purpose for which such structure or work is required has been authorised under the relevant Fisheries Act.</p>	<p>Review need for this policy</p> <p>Consider removing as this is a legal requirement that has to be met; could possibly be dealt with using an advice note.</p>
<p>Policy 21.2.3.8</p> <p>To avoid, remedy or mitigate adverse effects of beach grooming or replenishment, particularly on public access, amenity values, coastal processes, ecosystems, habitats and lawful structures.</p>	<p>Retain the intention, but review wording and scope.</p> <p>This policy covers aspects from the other Chapter 21 sections; consider including a section containing general policies that apply across the chapter.</p>
<p>Policy 21.2.3.9</p> <p>To enable the excavation or removal of foreshore or seabed material for marine mammal rescue or burial.</p>	<p>Retain</p>
<p>Policy 21.2.3.10</p> <p>To allow the use of the foreshore where there are no adverse effects on:</p> <ul style="list-style-type: none"> (a) public access and safety; (b) amenity values; (c) plants, animals or habitats; (d) natural features and processes; (e) existing authorised structures. 	<p>Review</p> <p>It is not clear what activities this relates to and what the intention is.</p> <p>This policy covers aspects from the other Chapter 21 sections; consider including a section containing general policies that apply across the chapter.</p>
<p>Policy 21.2.3.11</p> <p>To allow temporary exclusion of the public from specified parts of the coastal marine area for military</p>	<p>Review</p> <p>Is this a legal requirement outside of the RMA? If so, consider removing the policy.</p>

Objective set	Recommendations
training activities, subject to any other adverse effect of the activities being avoided, remedied or mitigated.	
<p>Policy 21.2.3.12</p> <p>To prevent structures or works on the foreshore and intertidal flats within and adjacent to the Farewell Spit Nature Reserve, except in relation to marine mammal rescue or burial.</p>	<p>Retain</p> <p>Clarify whether there is a difference between foreshore and intertidal flats. If not, reword.</p>
<p>Policy 21.2.3.13</p> <p>To avoid adverse effects on, and support the protection of, the bryozoan coral beds adjacent to Separation Point/Te Matau.</p>	<p>Retain and review to: 1) identify whether there are additional areas needing protection (e.g. on the West Coast); and 2) ensure that effects of activities that may impact on the areas are adequately captured by TRMP provisions.</p>
<p>Policy 21.2.3.14</p> <p>To avoid, remedy or mitigate adverse effects of structures (including moorings) in the coastal marine area between Tata Islands and Toko Ngawa Point.</p>	<p>Review to ensure consistency with proposed Moorings Plan Change and integration with the Abel Tasman National Park Management Plan.</p>
<p>Policy 21.2.3.15</p> <p>To retain the open space of Kaiteriteri Bay without further structures other than the existing boat ramp and moorings of the Kaiteriteri Recreation Reserve Board.</p>	<p>Review to ensure consistency with proposed Moorings Plan Change.</p> <p>The policy's focus on retention of open space is useful and could be applied to other areas. It is not relevant to 'habitats and ecosystems', however, and should be relocated to a more appropriate section in Chapter 21.</p>
<p>Policy 21.2.3.16</p> <p>To confine port activities and facilities to existing port locations, unless sites with less adverse environmental effects from such activities can be demonstrated.</p>	<p>Review and ensure consistency with NZCPS Policy 7 'Strategic Planning and Policy 9 'Ports'. There is development pressure for both Port Tarakohe and Motueka. Both will need to be reviewed and strategic planning undertaken.</p> <p>Consider additional policy to guide what should happen with the old smaller ports, e.g. Milnthorpe, Mangarakau, Collingwood and Waitapu.</p>
<p>Policy 21.2.3.17</p> <p>To promote measures to re-establish natural coastal conditions or processes.</p>	<p>Retain</p> <p>Supports enhancement work, like beach nourishment.</p>
<p>Policy 21.2.3.18</p> <p>To limit the number, location, and scale of structures in the coastal marine area adjoining the Abel Tasman National Park in accordance with the following:</p> <ul style="list-style-type: none"> (a) one public mooring at each of Tata Islands, Mutton Cove, and Taupo Point; (b) two boat ramps at Totaranui; (c) a water pipe at Bark Bay; (d) a jetty for public use at Torrent Bay/Rākauroa; (e) swing moorings will be allowed only in association with an interest in a land title at Boundary Bay, Torrent Bay/Rākauroa, or Astrolabe Roadstead, and 	<p>Review to ensure consistency with the proposed Moorings Plan Change and integration with the Abel Tasman National Park Management Plan.</p>

Objective set	Recommendations
<p>only to the extent that the cumulative effect of moorings at each location is not adverse;</p> <p>(f) swing moorings at The Anchorage are limited to one for each private property at The Anchorage (as at 25 May 1996), plus one other existing mooring.</p> <p>(g) structures or moorings will not be allowed adjacent to Adele/Motuareronui or Fisherman’s island.</p>	
<p>Policy 21.2.3.19</p> <p>To enable instruments and materials to be deployed in the coastal marine area for scientific investigations, subject to any adverse effects being avoided, remedied or mitigated.</p>	<p>Retain intent, but update to ensure it captures all relevant considerations for scientific investigations.</p> <p>Useful policy; the supporting permitted activity rule is not comprehensive; if an activity is not captured by the permitted activity rule, this policy helps approve it.</p>
<p>Policy 21.2.3.20</p> <p>To regard reclamation as generally inappropriate, and ensure that any reclamation:</p> <p>(a) is for a purpose that functionally must be located on the coast and in the coastal marine area;</p> <p>(b) is of the minimum practical extent for the proposed purpose and adequate management of any adverse effects arising from that purpose, and for any area needed for public access;</p> <p>(c) avoids locating in areas with nationally or internationally important natural ecosystem value, unless there is no feasible alternative location for the activity for which reclamation is sought.</p>	<p>Retain intent and review to determine if more directive wording is needed, e.g. ‘to avoid’, as opposed to ‘generally inappropriate’.</p> <p>Ensure the policy aligns with the NZCPS, particularly Policy 10 ‘Reclamation and De-Reclamation’.</p>
<p>Policy 21.2.3.21</p> <p>To restrict structures and disturbance such as port developments, jetties, moorings or aquaculture from locating in areas where they would adversely affect nationally or internationally significant natural ecosystem values or significant habitats such as estuaries and intertidal areas.</p>	<p>Retain</p>
<p>Policy 21.2.3.22</p> <p>To protect the margins of the coastal marine area from damage by stock.</p>	<p>Review to ensure consistency with NZCPS, particularly Policy 21 ‘Enhancement of Water Quality’, which requires stock to be excluded from the CMA.</p>
<p>Policy 21.2.3.23</p> <p>To provide for consistent protection for coastal habitats and ecosystems across the line of mean high water springs, where the natural habitat of species crosses this line.</p>	<p>Review, as intent not clear.</p> <p>The intention to manage habitats across the land-CMA boundary is important; but policy wording could be clearer.</p>
<p>Policy 21.2.3.24</p> <p>To eradicate invasive non-indigenous species where practicable and protect coastal marine habitats and ecosystems from invasion by non-indigenous species.</p>	<p>Retain and review to ensure consistency with NZCPS biosecurity provisions, e.g Policy 12 ‘Harmful Aquatic Organisms’.</p> <p>Ensure there is a clear link to rules and matters of discretion / control.</p>

Objective set	Recommendations
<p>Policy 21.2.3.25 To encourage the re-establishment of species indigenous to the coastal marine area.</p>	<p>Retain, but review rules and assessment matters to ensure this is something that can be required. Should 'indigenous' be changed to 'endemic'?</p>
<p>Policy 21.2.3.26 To avoid, remedy or mitigate adverse effects of vehicles in estuarine areas.</p>	<p>Retain, but review permitted activity status of vehicles accessing the CMA. Consider whether there is a need for controls on vehicle access near bird breeding and nesting sites.</p>

Protection of Landscapes, Seascapes and Natural Features

Objective set	Recommendations
<p>General</p>	<p>Review to give effect to NZCPS 2010 requirements for natural features and landscapes. Consider merging this section with another in Chapter 21 dealing with natural character, or remove policies dealing with landscapes, seascapes and natural features from other sections and include them here; the section is currently very short with only one objective and policy. Ensure relevant provisions in Iwi Management Plans are taken into account (see Appendix 1).</p>
<p>Objective 21.3.2 Maintenance of the natural character and landscape of the coastal marine area.</p>	<p>Review Objective is very brief and lacking detail; only natural character and landscapes are mentioned, not seascapes and natural features; objective is to 'maintain', what about 'restoration' and 'enhancement' also?</p>
<p>Policy 21.3.3.1 To allow structures or physical modifications in the coastal marine area only where the effect on the natural components of landscape and seascape values of the area, including any contribution to any likely cumulative effect, is limited in extent and is consistent with the existing degree of landscape and seascape modification.</p>	<p>Retain intent, but review in light of the need to identify landscapes, seascapes and natural features in the TRMP. Ensure consistency with proposed Moorings Plan Change.</p>

Protection of Natural Coastal Processes

Objective set	Recommendations
<p>General</p>	<p>Ensure that natural coastal processes can be managed through an integrated objective-policy-rule framework that considers activities and their effects across the CMA-land boundary.</p>

Objective set	Recommendations
	<p>Provide direction on how existing impediments to coastal processes (e.g. road causeways) will be managed with sea level rise.</p> <p>Ensure relevant provisions in Iwi Management Plans are taken into account (see Appendix 1).</p>
<p>Objective 21.4.2 Maintenance of natural coastal processes free from disturbance or impediments.</p>	<p>Review The objective is very brief and general; consider having multiple objectives, or at least make this more specific. Include 'restoration' and 'enhancement', as well as 'maintenance'.</p>
<p>Policy 21.4.3.1 To avoid impediments to natural coastal processes except where a community need (such as the need to protect a physical resource of significance to the community) outweighs adverse effects on the natural environment.</p>	<p>Review in light of NZCPS 2010 requirements for coastal protection works and the need to enable natural coastal processes.</p> <p>Retain the first part about avoiding impediments, although the meaning of impediments could be clarified.</p>
<p>Policy 21.4.3.2 To avoid, remedy or mitigate adverse effects of increases in intensity and value of development on coastal land, where the land is at risk from natural coastal processes.</p>	<p>Review to give effect to NZCPS policies relating to strategic planning and coastal hazards, and to respond to the coastal hazard work currently underway by TDC (the Tasman Coastal Management Project Responding to Sea Level Rise).</p> <p>This policy requires integration between district plan and regional coastal plan provisions, i.e. for activities on land that cause effects on natural coastal processes in the CMA.</p>
<p>Policy 21.4.3.3 To require the likely effects of disturbance, including excavation, deposition or removal of material, or structures, on natural coastal processes, to be avoided or mitigated.</p>	<p>Retain intent, but reword for clarity.</p> <p>Does this relate to activities on coastal land or only within the CMA? If the former, ensure integration between land use and regional coastal plan provisions.</p>
<p>Policy 21.4.3.4 To investigate and monitor current natural coastal processes.</p>	<p>Remove as this is a method not a policy; more suited for inclusion in 21.7.20 'Methods of Implementation'.</p>

Protection of Cultural Heritage Values

Objective set	Recommendations
<p>General</p>	<p>Review to ensure consistency with NZCPS Policy 17 'Historic Heritage Identification and Protection'.</p> <p>Ensure relevant provisions in Iwi Management Plans are taken into account (see Appendix 1).</p>
<p>Objective 21.5.2 Maintenance of the cultural heritage values of items, sites or areas in the coastal marine area, including taonga of the tangata whenua.</p>	<p>Review heritage schedules in Chapter 16, in conjunction with iwi, to identify the heritage values of sites and areas in the CMA, e.g. there is a known waka launching site, but it is not identified on the cultural heritage schedule.</p>

Objective set	Recommendations
	Review the accuracy of information about existing sites and locations.
Policy 21.5.3.1 To avoid damage or offence to traditional cultural values held by iwi over the coast in the vicinity of Pariwhakaoho as a result of structures, occupation, disturbance, or discharges.	Review the effectiveness of this policy with the mana whenua iwi.
Policy 21.5.3.2 To consult with tangata whenua over commercial activities (other than fishing) in the coastal marine area in the vicinity of Pariwhakaoho.	Review the effectiveness of this policy with the mana whenua iwi.
Policy 21.5.3.3 To ensure that no historical heritage item in the coastal marine area is a danger to navigation.	Review to ensure requirements of NZCPS Policy 17 are met, balanced against other legislative requirements around navigation safety.

Effects of Public Access

Objective set	Recommendations
General	Ensure relevant provisions in Iwi Management Plans are taken into account (see Appendix 1).
Objective 21.6.2 Maintenance and enhancement of public access in the coastal marine area, including public passage or navigation: (a) while preserving natural character, and maintaining ecosystems, heritage, and amenity values; and (b) without undue hazard or loss of enjoyment as a result of private occupation or use of coastal marine space.	Retain This policy covers aspects from the other Chapter 21 sections; consider including a section containing general policies that apply across the chapter.
Policy 21.6.3.1 To avoid, remedy or mitigate adverse effects of facilities for access to and from the coastal marine area.	Retain , but clarify make clearer; update ARM wording
Policy 21.6.3.2 To avoid, remedy or mitigate adverse effects of private occupation of space in the coastal marine area, having regard to the common right of public access to or in that area.	Retain , but update ARM wording
Policy 21.6.3.3 Public access in the coastal marine area will be restricted only where necessary to: (a) protect areas of significant indigenous vegetation and significant habitats of indigenous fauna; (b) protect cultural and spiritual values of the tangata whenua; (c) protect public health and safety;	Review to ensure consistency with NZCPS Policy 19 'Walking Access'. Reword (d) for clarity.

Objective set	Recommendations
(d) ensure consistency consistent with the purpose of a resource consent; or other exceptional circumstances.	

Enhancement of Amenity Values

Objective set	Recommendations
<p>General</p>	<p>Consider merging this section with another in Chapter 21 dealing with natural character; the section is currently very short with only one objective and policy.</p> <p>Ensure relevant provisions in Iwi Management Plans are taken into account (see Appendix 1).</p>
<p>Objective 21.7.2 Maintenance and enhancement of the amenity value derived from the natural character of the coastal marine area.</p>	<p>Review The objective is very brief and general, more specificity would be helpful.</p>
<p>Policy 21.7.3.1 To avoid, remedy or mitigate the adverse effects of activities in the coastal marine area, including structures for its use and enjoyment, on the amenity values of any part of the coastal marine area or coastal land, particularly on those values dependent on natural character, such as in areas adjacent to national parks, estuaries and open beaches, and taking into account:</p> <ul style="list-style-type: none"> (a) location (b) permanence (c) size and number (d) frequency and duration of use (e) need to exclude other activities or people. 	<p>Retain intent, but reword for clarity.</p> <p>Will require integration with land use provisions regarding amenity values of coastal land.</p>

1. Purpose Statement

The purpose of this evaluation of the TRMP is to determine the effectiveness and efficiency of the provisions contained within it. It helps us understand if the TRMP provisions are doing what they're meant to do.

This evaluation process is a fundamental step in the policy review cycle and a requirement of the Resource Management Act. It informs good quality plan-making and helps maintain confidence and integrity in the process.

The results of this evaluation will inform the review of the Tasman Resource Management Plan.

What do the terms mean?

Effectiveness: *“assess the contribution ... provisions make towards achieving the objectives and how successful they are likely to be in solving the problem they were designed to address”*

Efficiency: *“measures whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society, or achieves the highest net benefit to all of the society”*

(Ministry for the Environment s.32 Guidance)

Key Evaluation Questions

What we need to keep in mind

- ✓ Are we focused on the right issues?
- ✓ Have we done what we said we'd do?
- ✓ Have we achieved what we said we'd achieve?
- ✓ How do we know our actions led to the outcome observed?
- ✓ Have we achieved that outcome at reasonable cost (could we have achieved it more cheaply)?
(Enfocus, 2008)

2. Scope

2.1 Regional Plan Provisions Reviewed

The Tasman Regional Coastal Plan is made up of the following parts/chapters of the TRMP:

- Part III 'Coastal Marine Area'1 (Chapters 20-26);
- Part V 'Water' (parts of Chapters 30 and 31) relating to taking, diverting, using or damming coastal water); and
- Part VI 'Discharges' (Chapter 35 and part of Chapter 36) relating to coastal marine discharges).

Chapter 21 is the second chapter in Part III of the TRMP and deals with structures and occupation within the CMA. The chapter addresses seven broad issues:

1. Preservation of Natural Character: Adverse effects of use or development in the CMA on natural character.
2. Protection of Habitats and Ecosystems: The protection of coastal marine habitats and ecosystems from the damaging effects of activities.
3. Protection of Landscapes, Seascapes and Natural Features: Appropriate use or development in the CMA that protects landscapes, seascapes and natural features.
4. Protection of Natural Coastal Processes: Modification or interference with natural coastal processes by disturbance or structures.
5. Protection of Cultural Heritage Values: Allowing for appropriate use and development in the CMA while protecting cultural heritage values, including tangata whenua interests.
6. Effects of Public Access: Restrictions on public access to the CMA by private occupation, and adverse effects on natural character, ecosystems, heritage and amenity values from public or private access.
7. Enhancement of Amenity Values: Conflict between the amenity value of the CMA and the cultural or recreational amenity obtained through changes to those natural qualities.

Seven objectives and 42 policies have been adopted in addressing the Chapter issues, as shown in Table 1 below.

Table 1: Scope of the Evaluation

Chapter 21	Objective	Policies
21.1 Natural character	21.1.2	21.1.3.1 – 20.1.3.4
21.2 Habitats & ecosystems	21.2.2	21.2.3.1 – 21.2.3.26
21.3 Landscapes, seascapes & natural features	21.3.2	21.3.3.1
21.4 Natural coastal processes	21.4.2	21.4.3.1 – 21.4.3.4

1 The coastal marine area extends seaward of the line of mean high water springs to 12 nautical miles offshore and includes all foreshore, seabed and sea in that area and the air space above it.

Chapter 21	Objective	Policies
21.5 Cultural heritage values	21.5.2	21.5.3.1 – 21.5.3.3
21.6 Effects of public access	21.6.2	21.6.3.1 – 21.6.3.3
21.7 Enhancement of amenity values	21.7.2	21.7.3.1

Each issue topic has one objective and at least one related policy. The majority of the policies in the chapter apply to the protection of habitats and ecosystems (26 in total).

Regulatory methods adopted to implement the policies include:

- TRMP rules (set out in Chapter 25) to manage the effects of (a) disturbances, structures, discharges and other works in the CMA; (b) the occupation of space (e.g. for aquaculture activities); (c) use and maintenance of network utility structures and infrastructure (including for coastal hazard management), and (d) the passage of craft, vehicles, people or animals.
- Harbour bylaw provisions that regulate occupation and use of space by craft, vessels or other activities on the surface of coastal waters.

In support, a number of non-regulatory methods are provided for:

- Investigation and monitoring to identify elements of natural character, to establish baseline information about coastal marine processes, ecosystems and habitats, and to identify changes in environmental quality due to use and development in the CMA.
- Education and advocacy on restrictions on fishing methods over bryozoan beds, appropriate recreational and boating practices to protect habitats, plants and animals, the values and sensitivity of estuarine environments, and limiting risks from natural coastal hazards.²
- Works and services to remove structures that impede natural coastal processes (e.g. causeways, tidebanks and culverts)
- Support initiatives or other organisations to protect the environmental qualities of the CMA.

The environmental outcomes sought from implementation of the chapter rules and methods are:

- No decline in the healthy functioning and natural life-supporting capacity of coastal marine ecosystems and the natural functioning of the coastal processes.
- Retention of valued natural habitats and features.
- Limited rate of change of coastal landscapes and seascapes.
- Minimal loss of opportunity for public access to coastal marine space as a result of private or commercial activities. Enhanced public access opportunities as a result of consent decisions.
- Treaty of Waitangi principles upheld.
- Retention of the key features of the Tasman's coastal marine area, including landscape and seascape values, amenity values, natural or unmodified ecosystems, active natural processes and cultural heritage values.

2 TDC (July 2013). *Provisions for Moorings: Tasman Resource Management Plan Summary Guide No. 11*. <https://www.tasman.govt.nz/my-council/key-documents/tasman-resource-management-plan/guides/>; TDC (no date). *Boating and water sports in Tasman District 2018 / 2019*. <https://www.tasman.govt.nz/my-region/recreation/boating-and-fishing/>

- Continued public access to all significant coastal marine space but a continued reduction in complete access to certain areas.

2.2 Timeframe of Evaluation

The evaluation was conducted from July 2019 to March 2020.

2.3 Summary of Methodology

Broadly, the methodology of this evaluation follows the Plan Outcomes Evaluation process. Plan Outcome Evaluation involves:

1. An examination of the outcomes being sought – what are the objectives trying to achieve?
2. Tracking how the plan has been designed to affect the outcomes – do the intentions in the objectives get carried through to the rules and methods? Are the provisions efficient?
3. Assessing if the provisions have been implemented – what evidence is there that the provisions are being applied to relevant activities?
4. Assessing relevant environmental trends and ‘on the ground’ data to conclude if the Plan has been successful in achieving its intentions. This includes consideration of the external factor influences such as legislative changes, national policy statements, case law, significant economic changes, demographics etc.

Throughout the evaluation, there is an emphasis on attributing the activities enabled or controlled by the TRMP to observed outcomes. However, attributing outcomes to the TRMP must always be viewed in the wider context of changes. These are noted where known, but it is beyond the scope of this evaluation to capture all of the changes and influences that affect outcomes in our communities and environment.

Limitations with the Plan Outcome Evaluation approach also arise where environmental outcome data is poor, or where there are multiple factors driving outcomes. Time, resourcing and quality of data also affects the comprehensiveness of the evaluation.

To address some of these limitations, the evaluation process has included a ‘rapid assessment’ technique. The technique draws on the combined knowledge and expertise of local TDC staff, residents, community leaders, and topic experts to create an understanding of plan implementation, efficiency and outcomes. The rapid assessment outputs are supplemented with:

- environmental data or expert reports where available.
- Council data (e.g. water quality information, flow monitoring data, consenting and compliance database information, models, monitoring reports required by consent condition)
- mapping and imagery (e.g. GIS, aerial imagery, LiDAR)
- information or reports prepared during plan change processes (e.g. s.32 Reports, Issues and Options papers, technical reports, submissions, community meetings)

The data sources that have been used for evaluating Chapter 21 are shown in Table 2 below:

Table 2: Information Sources Used in Evaluation

Data source/s	Details and Notes
Rapid Assessment	<ul style="list-style-type: none"> • Meeting with policy staff on 26th September 2019 • Meeting with monitoring staff on 6th December 2019 • Workshop with council staff on 12th December 2019 • Meeting with consent staff on 28th January 2019
Councillor input	<ul style="list-style-type: none"> • Workshop held on 20th May 2020
External reports	<ul style="list-style-type: none"> • Legal report for s35 review, Tasman Law, June 2019 • Iwi management plans • NIWA (2011). Tasman aquaculture: guidance on farming additive species - Stage 2. • Newcombe et al. (2015). Assessing the State of the Marine Environment in Tasman Bay and Golden Bay. • Stevens & Rayes, 2018. Summary of the Eutrophication Susceptibility and Trophic State of Estuaries in the Tasman Region. • Gibbs & Woodward, 2018. Waimea and Moutere Sediment Sources by Land Use.
Council reports	<ul style="list-style-type: none"> • TRMP Policy Mapping (Leusink-Sladen, 2019) • s32 Report (Feb 2020). Plan Change 72 Moorings and Coastal Structures • TRPS & TRMP biodiversity provisions in context of the upcoming plan reviews (Honey, 2019) • TRMP Evaluation Report for Chapter 10: Significant Natural Values and Historic Heritage. • Stage 2 of TRPS Efficiency and Effectiveness Review: Statutory Obligations (Mason, 2019)
Council records (MagicBR/NCS/databases)	<ul style="list-style-type: none"> • MagiQ BI – Resource consents data

2.4 Summary of Consultation

The following consultation has been undertaken during the preparation of this evaluation.

2.4.1 Tasman District Councillors

A workshop with elected Councillors was held on 20th May 2020 discussing key issues and recommendations identified for this chapter.

No additional matters were raised.

2.4.2 Tasman Environmental Policy Iwi Working Group

The iwi of Te Tau Ihu, as tāngata whenua, have a unique relationship with Tasman District Council. There are a number of legislative requirements which oblige us to engage more collaboratively with iwi and Māori - including provisions in the Resource Management Act, Local Government Act and Treaty of Waitangi settlement legislation. To support this a separate section 35 report with a focus

on iwi/Māori provisions has been prepared. Please refer to that report for a record of consultation undertaken.

3. Effectiveness and Efficiency Evaluation

3.1 Context

The primary legislation affecting Chapter 21 is the Resource Management Act (RMA). The purpose of this Act is to promote the sustainable management of natural and physical resources (s5, RMA). Several matters of national importance under the RMA (set out in s6), which all councils must 'recognise and provide for', relate directly to the issues addressed in the chapter:

- *s6(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:*
- *s6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- *s6(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- *s6(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- *s6(f) the protection of historic heritage from inappropriate subdivision, use, and development:*
- *s6(g) the protection of protected customary rights.*

In support, the council must 'have particular regard to' several relevant matters in s7 of the RMA:

- *s7(a) kaitiakitanga*
- *s7(c) the maintenance and enhancement of amenity values:*
- *s7(d) intrinsic values of ecosystems:*
- *s7(f) maintenance and enhancement of the quality of the environment.*

The RMA defines the Coastal Marine Area as being:

the foreshore, seabed, and coastal water, and the air space above the water—

(a) of which the seaward boundary is the outer limits of the territorial sea:

(b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—

(i) 1 kilometre upstream from the mouth of the river; or

(ii) the point upstream that is calculated by multiplying the width of the river mouth by 5.

3.1.1 Legislation Changes

The following amendments to the RMA have some bearing on Chapter 21 provisions. They will need to be taken into account when the TRMP is updated.

RMA Amendment: Protected Customary Marine Title Areas

A new matter of national importance, s6(g) *“The protection of protected customary rights”*, was added to the RMA following the enactment of the Marine and Coastal Area (Takutai Moana) Act (MACA) in 2011.³ RMA s61(2A) and s66(2A) were also amended to require regional councils to ‘recognise and provide for’ relevant matters relating to customary marine title areas in regional policy statements and plans.

RMA S85A was amended so that plans must not permit activities that would have a ‘more than minor’ adverse effect on a recognised customary activity. Additionally, RMA S104(3)(c) was amended to restrict councils from granting a resource consent that would impact on wāhi tapu or cause ‘more than minor’ adverse effects on the exercise of a protected customary right (without written approval from the customary rights group).

Nine applications in the Tasman District have been made under MACA to have customary marine rights formally recognised. Decisions on these applications are pending. Activities in the CMA addressed in chapter 21, such as the effects of structures or disturbance of the foreshore and seabed on approved customary marine title areas will need to be included as a consideration under the TRMP provisions.

Ownership of Coastal Structures: MACA 2011

The MACA Act also requires TDC to maintain an accurate record of the ownership of all coastal structures. While this is easy for coastal structures with resource consent, many other structures are historic and predate the current legislation; some are permitted with no recorded owner, others have simply been abandoned once they were no longer required. Council is therefore required to develop a process for determining the ownership of permitted, abandoned and unauthorised structures to meet the requirements of the MACA Act.

RMA Amendment 2003: Historic Heritage Protection

The Resource Management Amendment Act 2003 elevated the status of historic heritage protection to a matter of national importance; new s6(f) requires councils to ‘recognise and provide for’ *“the protection of historic heritage from inappropriate subdivision, use, and development”* (as opposed to the previous s7 requirement to “have particular regard”).

Additionally, new s12(1)(g) specified that *“No person may, in the coastal marine area destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on historic heritage”* unless allowed by an NES, a rule in a regional coastal plan or a resource consent.

A comprehensive definition for historic heritage was also added, which includes heritage qualities (e.g. architectural, cultural), as well as specific types of heritage (e.g. archaeological sites, wāhi tapu). The inclusion of ‘surroundings’ means that TDC needs to consider the broader environment within which historic heritage resources are located.

Given the concentration of historic heritage in the coastal environment (especially sites of significance to Māori and archaeological sites), this RMA amendment may require identification of a

3 MACA also repealed the earlier Resource Management (Foreshore and Seabed) Amendment Act 2004.

greater number and range of coastal heritage resources and stronger provisions to secure their protection.

RMA Amendment 2003: Indigenous Biodiversity

New s30(1)(c)(iia) added a function for regional councils to control the use of land for the purpose of: “the maintenance and enhancement of ecosystems in water bodies and coastal water”.

New s31(1)(ga) added a function for regional councils regarding “the establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity”.

A definition for biological diversity was also added: “the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, and of ecosystems”.

A recent TDC report on biodiversity provides a stocktake of the TRMP provisions for biodiversity.⁴ It concludes that TRMP umbrella provisions for biodiversity are no longer fit for purpose and need to be redeveloped in response to new proposed strategic and legislative documents, including the final National Policy Statement for Indigenous Biodiversity (NPS-IB), National Biodiversity Strategy and Tasman Biodiversity Strategy.

3.1.2 National Directives

NZ Coastal Policy Statement 2010 (NZCPS)

National policy statements are instruments issued under the RMA. The NZCPS is the only mandatory national policy statement and is prepared by the Minister of Conservation. It sets out general objectives and policies for the sustainable management of New Zealand’s coastal environment, which the TRMP is required to give effect to (i.e. implement). The TRMP was made operative prior to the current NZCPS and for that reason only partially gives effect to the objectives and policies of the NZCPS.

Given the large number of matters covered in Chapter 21, there are many corresponding objectives and policies in the NZCPS that need to be given effect to. In particular, the NZCPS requires councils to recognise the importance of the coastal environment for communities’ economic, social and cultural wellbeing, while at the same time ensuring that adverse effects of activities on indigenous biodiversity, natural character, natural features and landscapes are avoided, that historic heritage values are protected, and that provision is made for public open space and walking access.

The relevant objectives and policies in the NZCPS 2010 include:⁵

4 Tasman District Council. 2019. *Tasman Regional Policy Statement and Resource Management Plan biodiversity provisions in context of the upcoming plan reviews*.

5 NZCPS provisions are paraphrased here; for the full text see <https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement-2010.pdf>

Table 3: NZCPS Provisions Relevant to Chapter 21

NZCPS Objectives	
1.	To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land.
2.	To preserve the natural character of the coastal environment through recognising the characteristics and qualities that contribute to natural character.
3.	To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment.
4.	To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment.
6.	To enable people and communities to provide for their social, economic, and cultural wellbeing, recognising that some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the wellbeing of people and communities.
NZCPS Policies	
1.	<i>Extent and Characteristics of the Coastal Environment</i> , which recognises the various characteristics of the coastal environment including those identified in TRMP chapter 21.
2.	<i>The Treaty of Waitangi, tangata whenua and Māori heritage</i> , In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment.
6.	<i>Activities in the Coastal Environment</i> , which recognises (amongst other matters): the contribution that use and development of the CMA can have to social, economic and cultural wellbeing; that some activities have a functional need to be located in the CMA; and that public open space and recreational qualities and values of the CMA need to be maintained and enhanced.
11.	<i>Indigenous Biological Diversity</i> , which requires avoidance of adverse effects of activities on a range of indigenous flora, fauna, ecosystems and habitats.
13.	<i>Preservation of Natural Character</i> , which requires avoiding adverse effects of activities on the natural character of the coast.
14.	<i>Policy 14 Restoration of Natural Character</i> , which promotes restoration or rehabilitation of the coastal environment, including through provisions in regional policy statements and plans.
15.	<i>Natural Features and Natural Landscapes</i> , which requires avoiding adverse effects of activities on natural features and landscapes (including seascapes) of the coastal environment.
17.	<i>Policy 17 Historic Heritage Identification and Protection</i> , which requires protection of historic heritage in the coastal environment from inappropriate subdivision, use and development.
18.	<i>Public Open Space</i> , which recognises the need for public open space, including for recreation, that is compatible with the natural values of the coastal environment.
19.	<i>Walking Access</i> , which seeks to maintain and enhance public walking access to, along and adjacent to the CMA except where a restriction is necessary, e.g. public safety, environmental protection.

Draft National Policy Statement for Indigenous Biodiversity

The Ministry for the Environment has developed a proposed National Policy statement for Indigenous Biodiversity (NPS-IB), which sets out a range of regulated measures that require councils to take a more proactive role in protecting biodiversity.

The proposed NPS-IB would provide national direction and guidance to local councils on how to improve biodiversity management across the country. It will apply across public and private land and

would especially impact the management of biodiversity on private land where many of our threatened species, habitats, and ecosystems are found.

The NPS-IB is likely to have a more limited role in protecting biodiversity in the coastal environment, but will need to be given effect to as part of the TRMP update:

*The NZCPS already provides strong and effective protection for indigenous biodiversity through Policy 11, and through Policies 13 and 15 as an attribute of natural character and landscape. It is critical that any policy developed for the specific purpose of protection of [RMA] section 6(c) Significant Natural Areas builds on and does not compromise the positive contribution these policies make to maintaining our indigenous marine biodiversity”.*⁶

3.1.3 Treaty Settlement Legislation

Four pieces of Treaty settlement legislation relate to the nine iwi within Tasman District:

- Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014
- Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014
- Ngati Toa Rangatira Claims Settlement Act 2014
- Ngāi Tahu Claims Settlement Act 1998

Treaty settlement legislation includes statutory acknowledgements by the Crown of statements of association by relevant iwi of their particular cultural, spiritual, historical and traditional associations with statutory areas; statements of coastal values made by relevant iwi and their particular values relating to coastal statutory areas; and Deeds of Recognition which acknowledge sites with which iwi have a special relationship.

The statutory acknowledgement associations include reference to iwi beliefs around water and its valued place in the Māori world view, historic relationships with specific areas in Tasman and treasured fish, bird and plant species that were important to their tūpuna (ancestors).

3.1.4 Relevant Plan Changes

The TRMP has had a constant programme of rolling reviews (variations and plan changes) since it was first notified. The changes have been introduced to address unintended outcomes, new issues, new priorities and legislative requirements. The plan changes relevant to this topic are outlined in the Table 4 below.

Where a plan change has been recently introduced (i.e. <3 years) its impact will be difficult to determine with any accuracy as:

- there may have been limited uptake of the plan provisions (i.e. not many activities undertaken that trigger the new rule set) and/or
- the impact of existing use rights and previously consented activities continue
- the impacts may not be highly visible until there is a cumulative uptake of the provision (e.g. water permit renewals to include new provisions).

⁶ p.14, Report of the Biodiversity Collaborative Group, 2018. The report contains the group’s draft National Policy Statement for Indigenous Biodiversity (NPSIB) and recommendations for complementary and supporting measures.

For those reasons, the implementation of plan changes less than 3 years old (from operative date) have not been fully assessed for effectiveness or efficiency.

Table 4: Plan Changes Relating to Chapter 21

Plan Change or Variation	Description of change and key matters
<p>Variation No.1: Deletion of Cultural Heritage Area, Landscape Priority Area, and Natural Heritage Areas</p> <p>Notified 1 Feb 1997; operative 16/07/2011</p>	<p>Following public opposition to the proposed TRMP, Council decided to remove:</p> <ul style="list-style-type: none"> - most of the Natural Heritage Areas (and modified rules affecting indigenous forest removal); - the Cultural Heritage Area and rules affecting activities in CHA; - Landscape Priority Areas and rules affecting activities in LPAs; and - Surface Water Protection Area and rules affecting activities in SWPA. <p>It was contended that information on NHA and CHA's was inaccurate, that there were problems with the administration of some rules, and that there had not been sufficient consultation prior to notification. A review of the provisions affected by the variation was intended to commence following the variation, involving stakeholders, interested parties and the public generally.</p>
<p>Variation 55: Design Guide for Subdivision & Development in the Coastal Tasman Area</p> <p>Notified 28 July 2007; operative date 9th Oct 2010</p>	<p>This Variation added the Coastal Tasman Area Design Guide as an appendix to the TRMP, rather than it sitting outside the Plan as an external document as originally intended. The Design Guide was developed by Council to guide subdivision and land development in the coastal Tasman area, from Mariri in the north to Waimea Inlet in the south. Its purpose is <i>"to promote and encourage well-designed and innovative developments in the Rural 3 Zone, which will retain the overall rural and coastal values and on-going opportunities to utilise land of high productive value"</i>.</p> <p>The Design Guide seeks to maintain / enhance landscape values, high productive land, and water resources, and provides guidance on drainage and stormwater, access and transport, wastewater, water supply, recreation, conservation and open space, allotment / building layout and design, and vegetation planting.</p>
<p>Change 16: Cultural Heritage Sites Management</p> <p>Notified 29 Sept 2009; operative 18 August 2012.</p>	<p>The plan change amended cultural heritage provisions in the TRMP. The new provisions provide protection or management of cultural heritage sites in the Tasman District, including European and pre-European sites of archaeological significance, and sites of importance to manawhenua iwi such as wāhi tapu and wāhi tapu areas. The proposed plan change includes a new schedule 16.13C which records cultural heritage sites which will be afforded protection through TRMP provisions.</p> <p>The change was intended to ensure TDC meets its obligations to certain matters of national importance under Section 6 (e) & (f) and Section 8 of the RMA. The change also enhanced integration with the Historic Places Act requirements. Many of the cultural heritage sites included in Schedule 16.13C are located in the coastal environment, but not necessarily within the CMA.⁷</p>
<p>Golden Bay Outstanding Natural Features and Landscapes Draft Plan Change</p>	<p>A draft proposed plan change was released for public feedback in July 2016 which:</p> <ul style="list-style-type: none"> • Identified 6 outstanding natural landscapes (ONLs) and 10 outstanding natural features (ONFs) in the Golden Bay and Northwest Coast areas for protection; • Amended landscape objectives and policies for the Tasman District; and

7 As shown on planning maps - https://www.tasman.govt.nz/my-council/key-documents/tasman-resource-management-plan/volume-2-planning-maps/?path=/EDMS/Public/Other/Policy/Plans/ResourceManagementPlan/TRMPMaps/PartII_Land/SpecialMaps/CulturalHeritageSites

<p>CURRENT STATUS: The draft plan change has now been incorporated into the landscapes section of the full TRMP Review.</p>	<ul style="list-style-type: none"> • Contained rules in relation to subdivision, land use, buildings and structures, earthworks and tracks, and vegetation removal in outstanding natural landscapes and features. <p>The intent of the draft proposed plan change provisions is to:</p> <ul style="list-style-type: none"> • Enable the maintenance of existing activities within ONFs and ONLs • Encourage land use and development activities which enhance or regenerate landscape characteristics of ONFs and ONLs • Discourage subdivision, use and development activities which could degrade or damage ONFs and ONLs • For ONFs and ONLs in the coastal environment - restrict subdivision, use and development activities where adverse effects cannot be avoided.
<p>Proposed Moorings Plan Change</p> <p>CURRENT STATUS: Approved by Council in Feb 2020 for public consultation.</p>	<p>A proposed plan change which aims to:</p> <ul style="list-style-type: none"> • Establish appropriately located Mooring Areas in the District. • Provide for moorings in Mooring Areas as permitted activities, subject to conditions. • Continue provision for moorings in locations outside of Mooring Areas as a discretionary activity. • Require removal of unauthorised, abandoned or redundant structures in certain circumstances. • Include provisions on multiple and public structures, efficient mooring systems, and flexibility in mooring type.

3.1.5 Relevant Case law⁸

Case law has considered the NZCPS 1994 and 2010 and its application in the TRMP, with a particular emergent theme of appeals based on landscape and natural character concerns. One case has also considered the effects on tangata whenua values arising from the placement of wastewater pipelines in the coastal environment and across the Riwaka River. A very recent decision supports the ability of regional councils to control fisheries activities for the purpose of maintaining and enhancing biodiversity.

Weatherwell-Johnson v Tasman District Council W181/96 (Kenderdine J presiding)

The Environment Court allowed an appeal against TDC's decision to rezone Motupipi Hill for residential development. It determined that the zoning was in an inappropriate location and would not promote the sustainable management of the estuary, site or coastline, nor would it preserve the natural character of the coastal environment. The long term impact on the estuary waters was also a concern.

Golden Bay Marine Farmers & Ors v Tasman District Council W42/2001 (First Interim Report) (Kenderdine J presiding)

The Court found that the whole of Golden Bay/Mohua was an outstanding natural landscape.

Friends of Nelson Haven and Tasman Bay Inc v Tasman District Council [2018] NZEnvC 46 (Interim Decision) (Kirkpatrick J presiding)

⁸ Information in this section has come from a TDC commissioned report: Tasman Law (June 2019). *Legal Report for Section 35 TRMP Review*.

The Environment Court found that there was an absence of policy guidance in the TRMP regarding natural character, landscapes and features and amenity values (referring to Policies 13 and 15 of the NZCPS). The Court found the TRMP had not identified areas of high or outstanding natural character, outstanding natural landscapes or outstanding natural features, nor were there objectives, policies or rules identified for the protection of these from inappropriate subdivision use or development.

The Court stated there was a need for the TDC to address this policy vacuum through a Schedule 1 process and preferably before new consideration was given for coastal permits for marine farms at Wainui Bay at the end of 2024. The Court also found that for the purpose of the RMA it was better to identify discrete landscape areas where those are most relevant to the resource management issues being addressed.

Carter Holt Harvey HBU Limited [2013] NZEnvC 25 v Tasman District Council (Dwyer J presiding)

Court considered what constituted an outstanding natural feature and landscape. The Court found that the fact some landscapes or features of a district are pre-eminent in their significance cannot mean that other less significant landscapes and features may not in themselves be regarded as outstanding.

The Court found that the Moutere Inlet was an outstanding natural feature and that in that context the Kina Peninsula was an integral part of that outstanding natural feature. Similarly, the Court considered that it was not possible to isolate natural character considerations for the site from those of the wider Peninsula, Moutere Inlet and coastal environment generally. The Court concluded that the proposed development would diminish the existing natural character of the site, the Peninsula and the wider outstanding natural feature of the Moutere Inlet in a significantly adverse manner. It noted further that preservation and protection of these must be heavily weighted in its considerations pursuant to RMA s6(a) and (b).

Ngāti Rārua Iwi Trust v Tasman District Council W25/2003 and W32/2004 (Allin J presiding)

The Court issued an interim and final decision granting consent for a pipeline across the esplanade reserve at Tapu Bay and necessary consents for a pipeline to cross the Riwaka River. The Court considered the matters of national importance under Part 2 including the Māori provisions, and the NZCPS and RPS, particularly in relation to iwi and coastal waters. Also considered the Tasman Transitional Coastal Plan and the PTRMP. The Court found the physical effects of installing the pipeline as proposed would be minor, but the real issues related to how the proposal affected various Māori related matters. Court found the Riwaka River, Tapu Bay and esplanade reserve were significant areas for Māori and there was a strong relationship of iwi and their culture and traditions with the land, water, sites, waahi tapu and other taonga in the vicinity of the proposed pipeline.

The Court held that the existence of the pipeline would be an affront to Māori and if not for the pressing need for it, it would have issued a decision to encourage the TDC to look at alternatives. The Court did not allow appeal but directed the parties to consider the issue of the river crossing and revised the term to 11 years to allow time for consideration of alternative options. Following this the parties filed with the Court a MOU recording that they were to enter into discussions concerning longer term options for disposal and treatment of wastewater for the coastal communities extending from Marahau to Motueka and to establish a task force.

Attorney-General v The Trustees of the Motiti Rohe Moana Trust & Ors [2019] NZCA 532 [4 November 2019]

The Court of Appeal considered whether regional councils may prohibit fishing in specified parts of the coastal marine area to maintain indigenous biodiversity when the biodiversity concerned includes fish species the taking of which is separately regulated under fisheries legislation for a different purpose: their sustainable utilisation. It followed a judgment of the High Court which held that RMA s30(2) does not prohibit the Council from acting to maintain indigenous biodiversity in the coastal marine area if it acts: a) for the purpose of protecting indigenous biodiversity; and b) only to the extent strictly necessary to perform that function.

Under RMA s30(1)(d) the functions of regional councils and the Minister in the coastal marine area include control of (i) land and associated natural and physical resources, (ii) the occupation of space in and extraction of natural materials from the coastal marine area, and (vii) activities in relation to the surface of water. However, under s30(2) a regional council and the Minister of Conservation “must not perform” these three s 30(1)(d) functions “to control the taking, allocation or enhancement of fisheries resources for the purpose of managing fishing or fisheries resources controlled under the Fisheries Act 1996”.

RMA s30(1)(ga) also assigns to regional councils the function of establishing, implementing and reviewing objectives, policies and methods for maintaining indigenous biological diversity in their regions. That function extends to the coastal marine area. It is not among those expressly subject to the jurisdictional limit in s30(2).

Supported by the Attorney-General, the Council contended that it may prohibit fishing in specified parts of the coastal marine area so long as its purpose is that of maintaining indigenous biodiversity rather than that of managing fishing for the Fisheries Act objective of sustainable utilisation.

The Fishing Industry Parties responded that regional councils have no authority to control fishing to maintain indigenous biodiversity, for to do so is to manage fishing resources controlled under the Fisheries Act. Other interested parties, including the Motiti Rohe Moana Trust and Marlborough District Council, promoted a wider interpretation of a regional council’s powers, saying the RMA and Fisheries Act are complementary, each serving in different ways to protect the environment.

The Court of Appeal found that a regional council may control fisheries resources in the exercise of its s30 functions, including the listed s 30(1)(d) functions, provided it does not do so to manage those resources for Fisheries Act purposes. It also found that the RMA does not specify that the function of maintaining indigenous biodiversity in s30(1)(ga) is subject to s30(2). It is not the case that a regional council may exercise this function only when strictly necessary when dealing with fisheries resources controlled under the Fisheries Act. But any controls imposed under s 30(1)(d)(i), (ii) or (vii) are subject to s 30(2). Section 30(1)(ga) policies can be subject to s 30(2) where specified s 30(1)(d) functions are also invoked.

3.1.6 Relevant Iwi Management Plan Provisions

Both the RMA (s66(2A)) and NZCPS 2010 (Policy 2) require TDC to “take into account” any relevant iwi planning document recognised by the appropriate iwi authority (or hapū under the NZCPS) and lodged with the council, to the extent that its content has a bearing on resource management issues in the district.

Three Iwi Management Plans (IMPs) have been lodged with TDC by Iwi having interests in the Tasman District:⁹

1. Ngati Koata No Rangitoto Ki Te Tonga Trust Iwi Management Plan (2002)
2. Te Rūnanga O Ngāti Kuia, Pakohe Management Plan (2015)
3. Ngāti Tama ki Te Waipounamu Trust Environmental Management Plan (2018)

Two other IMPs prepared by Iwi with an interest in Tasman have been lodged with Nelson City Council:¹⁰

4. Nga Taonga Tuku Iho Ki Whakatu Management Plan (2004)
5. Te Ātiawa Ki Te Tau Ihu Iwi Environmental Management Plan (2014)

Relevant provisions in the IMPs will need to be taken into account when the TRMP is updated following the present review. Examples of IMP provisions relating to Chapter 21 matters are shown in Appendix 1 (p.50).

3.1.7 Other Factors

Marine, Wildlife and Nature Reserves

There are two marine reserves within the Tasman District – Tonga Island and Westhaven (Te Tai Tapu). Marine reserves are statutory tools that are established under the Marine Reserves Act for the purpose of preserving marine life for scientific study. A broad range of activities can be managed, controlled or excluded in marine reserves, including marine farming, fishing, other extraction, anchoring, point discharges, research, bio-prospecting and commercial tourism. The Department of Conservation is responsible for marine reserves and marine mammals. Tonga Island is located centrally along the Abel Tasman National Park between Awaroa Head and the headland on the northern side of Bark Bay. It extends offshore for one nautical mile (1852m) from the mean high water mark of Tonga Island and the mainland coast, covering an area of 1835 hectares. Many features typical of NZ's northernmost sheltered granite coastline are found here: crescent shaped sandy beaches, rocky headlands and reefs, small estuaries and a sand-mud seafloor.

The Westhaven (Te Tai Tapu) Marine Reserve covers 536 ha and includes all the tidal sand flats and channels south of a straight line between Pah Point and the closest headland of Kahurangi National Park on the opposite shore. The reserve protects all plants and animal life within its boundaries.

In addition, the Westhaven (Whanganui Inlet) Wildlife Management Reserve covers all tidal sand flats and channels not included in the marine reserve (comprising over 2112 ha). It protects the wildlife within its boundaries and the habitats and vegetation on which they depend. The wildlife management reserve allows for fishing and gamebird hunting. It has been created under the Wildlife Act 1953 and is administered by the Department of Conservation.

The Farewell Spit Bird Nature Reserve is frequented by over 90 bird species with the Spit providing a variety habitats from salt marsh, open mudflats, fresh water and brackish lakes, ocean salt beaches and vegetated and bare sand dunes. It too is administered by the Department of Conservation

9 <https://www.tasman.govt.nz/my-region/iwi/iwi-management-plans/>

10 <http://www.nelson.govt.nz/council/plans-strategies-policies/strategies-plans-policies-reports-and-studies-a-z/iwi-management-plans>

Coastal Areas under Customary Fisheries Management¹¹

Tangata whenua manage their fisheries under customary fishing regulations and the Fisheries Act in a way that best fits with local practices. There are several different ways to manage customary fisheries:

- Mātaitai reserves – areas closed to commercial fishing that may have bylaws affecting recreational and customary fishing.
- Taiāpure – local fisheries of special significance, that may have additional fishing rules;
- Temporary closures; and
- Customary bylaw areas.

Two Mātaitai areas are in operation in Tasman District, both on the west coast of Golden Bay. Anatori (15km²) is to the northeast of Whananui Inlet and Kaihoka (5km²) is to the southwest of the Inlet. There are no Taiāpure, temporary closures or customary bylaw areas in effect in Tasman.

3.3 Internal Consistency of Provisions

The findings from the assessment of internal consistency for Chapter 21 provisions is summarised in Table 5 below.¹² As noted, the chapter deals with structures and occupation within the CMA, of which marine aquaculture activity is a key management issue. Adverse effects on coastal ‘natural values’, ‘character and amenity’, ‘ecosystem health’ ‘access’ and ‘landscape/seascape’ are the main areas of focus. These are covered by seven objectives. Of these, Objective 21.2.2 is most significant, with 26 policies within it addressing a large range of issues from general, district-wide CMA biosecurity risk through to location specific open-space issues.

Table 5: Chapter 21 Summary of Internal Consistency

Objective	Internal Consistency	Comment
Objective 21.1.2 Preservation of the natural character of the coastal marine area, particularly its margins, and including the maintenance of all values that contribute to natural character, and its protection from the adverse effects of use or development.	Moderate-weak	Four policies implement this objective, which has a focus on natural character. Certain activities, such as structures, appear to be regulated in a way that can meet this objective, especially in relation to Aquaculture Management Areas. For the rest, the idea of ‘natural character’ and the potential activities that could adversely affect it are less clearly defined and consequently poorly connected to rules. An example is the use of ‘vessels and vehicles’, which has the potential to have a significant impact of amenity and natural character, but for which regulatory control is generally permissive.
Objective 21.2.2 Avoidance, remediation, or mitigation of adverse effects	Varied	The objective seeks management of a range of CMA activities that could adversely affect habitats and ecosystems. At face value most of the objective-listed

11 See <https://www.fisheries.govt.nz/law-and-policy/maori-customary-fishing/managing-customary-fisheries/customary-fisheries-management-areas/>

12 Information in this section has come from a TDC commissioned report: Leusink Sladen, S. (Dec 2019). *Tasman Resource Management Plan Policy Mapping - Review of the Internal Consistency and Integrity of Plan Objectives, Policies and Rules Parts III – VI.*

<p>on marine habitats and ecosystems caused by:</p> <p>(a) access by vessels, vehicles, people, or animals;</p> <p>(b) the introduction of species non-indigenous to the District;</p> <p>(c) disturbance of the foreshore or seabed;</p> <p>(d) the placement and use of structures for port, berthage, aquaculture, network utilities, roads, mineral extraction or any other purpose;</p> <p>(e) the disposal of contaminants or waste, or accidental spillage of substances;</p> <p>with priority for avoidance in those areas having nationally or internationally important natural ecosystem values.</p>		<p>points, with perhaps the exception of point 'a' (vehicle, vessel, human and stock access) have strong connections to rules giving effect to them.</p> <p>However, the objective is subsequently implemented by 26 separate policies that have a varying degree of specificity and focus, cover a comprehensive range of CMA activities, and address a huge variety of effects.</p> <p>Some policies are very clearly provided for, and this appears to be where the policy focus is narrow and provides for a specific policy context that has narrowly defined rules: 'Marine mammal rescue', 'biosecurity', 'structures in nationally significant locations', and 'scientific investigation' are examples of specific and strongly connected policies.</p> <p>Weakly connected policies attempt to address matters such as 're-establish natural coastal conditions' and to 'remove obsolete structures'. With these examples the issue seems to be related to the 'who' the policy is aiming at and 'how' might the policy be implemented in real terms. When it is unclear, like this, there is consequentially an unclear regulatory – or other – pathway to implementation.</p>
<p>Objective 21.3.2</p> <p>Maintenance of the natural character and landscape of the coastal marine area.</p>	<p>Moderate</p>	<p>There is a single policy associated with this objective. At face value they appear to have different foci: "To allow structures or physical modifications in the coastal marine area only where the effect on the natural components of landscape and seascape values of the area, including any contribution to any likely cumulative effect, is limited in extent and is consistent with the existing degree of landscape and seascape modification".</p> <p>The single policy would appear to address a single aspect of what might be covered by the objective which appears to be broad. And so, while it's considered that the policy may have connection to rules (the regulation of structures and aquaculture activities), the objective, seeming to be far broader, may not.</p>
<p>Objective 21.4.2</p> <p>Maintenance of natural coastal processes free from disturbance or impediments.</p>	<p>Moderate</p>	<p>Four (4) policies implement this objective, and they address 'impediments to natural coastal processes', 'coastal land development', 'disturbance effects' and 'monitoring'. Overall its considered that these policies are moderately connected, with rules addressing disturbance and coastal land development effects. However, what appears missing from the policy set is recognition of coastal works outside of CMA (i.e. land-based) and how these impact on CMA coastal processes.</p>
<p>Objective 21.5.2</p> <p>Maintenance of the cultural heritage values of items, sites or areas in the coastal marine area, including taonga of the tangata whenua.</p>	<p>Weak</p>	<p>The policy mapping exercise revealed how 'thin' references to iwi management matters are within rules. Where sites are noted (e.g. Pariwhakaoho) there is some protection, but it is considered that this single site reference would not cover the reality of iwi cultural interests and values in the coastal environment.</p>

<p>Objective 21.6.2 Maintenance and enhancement of public access in the coastal marine area, including public passage or navigation:</p> <p>(a) while preserving natural character, and maintaining ecosystems, heritage, and amenity values; and</p> <p>(b) without undue hazard or loss of enjoyment as a result of private occupation or use of coastal marine space.</p>	<p><i>Moderate</i></p>	<p>Public access is implemented through rules, a permissive framework 'encouraging and enabling' of public access. But the strength of the 'second part' of the objective, regarding 'preservation of natural character' and 'loss of enjoyment/hazard due to coastal occupation', is weakly implemented. Although these matters are specifically provided for in PA rules activity conditions, they are very high level and non-specific as conditions which might be able to be monitored and enforced.</p>
<p>Objective 21.7.2 Maintenance and enhancement of the amenity value derived from the natural character of the coastal marine area.</p>	<p><i>Moderate</i></p>	<p>There is a single policy giving effect to this objective and it appears broad. Rules that may implement it appear strong in relation to structures and formal activities such as aquaculture, but less so in respect of other activities that may also have an adverse effect, such as vehicles and vessels and non-CMA buildings. The 'amenity trade off' is poorly addressed (i.e. no regulatory consideration for numbers of vessels, vehicles and people beyond which the natural character of the coastal marine area would begin to become degraded).</p>

In strengthening the internal consistency of Chapter 21 provisions, the following actions are recommended:

- Review rules in relation to land chapters of the TRMP and management of activities in proximity to the coast that relate to CMA objectives, such as (but not limited to) stock access, coastal subdivision and land use development, coastal protection works.
- Review chapter in relation to iwi issues, to strengthen both policy framework and opportunity of implementation through rules/regulation.
- Re-consider character and amenity in relation to: vessel and vehicle use; land use.

3.3 Evidence of Implementation

This section analyses the extent to which the Chapter 21 provisions have been implemented through Council activities, including both regulatory (i.e. resource consenting, compliance action) and non-regulatory methods (e.g. education, promotion of best practice).

3.3.1 Resource Consent Data for Structures, Occupation and Disturbance in the CMA

The Chapter 21 objectives and policies are largely implemented via rules in the TRMP. The TRMP rule sets relating to structures and occupation, and disturbance of the foreshore and seabed are set out in Table 6 below. The rule sets include permitted, controlled, discretionary and non-complying activities, and addresses a range of matters as well as activity-based conditions.

Table 6: Summary of Rule-Set for Chapter 21 Matters¹³

Chapter 25 CMA Rules	Description
Structures Relating to Craft	
25.1.2.1 Permitted Activities	<ul style="list-style-type: none"> Any structure listed in Schedule 25A for the launching, haulout, mooring, berthage, or storage of craft, including launching ramps, slipways, swing or pile moorings, jetties, or boatsheds. <p>Provided they comply with the specified rule conditions.</p>
25.1.2.2 Controlled Activities	<ul style="list-style-type: none"> Any structure specified in rule 25.1.2.1 above that does not comply with the permitted activity rule conditions.
25.1.2.3 Discretionary Activities	<ul style="list-style-type: none"> Any structure for the launching, haulout, mooring, berthage, or storage of craft, or yacht or boat club clubrooms, and including launching ramps, slipways, swing or pile moorings, jetties, or boatsheds, That do not comply with the controlled activity rule conditions.
25.1.2.4 Non-Complying Activities	<ul style="list-style-type: none"> Any structure for any of the purposes specified in rule 25.1.2.3 above, that does not comply with the conditions of that rule.
Other Structures or Occupation	
25.1.5.1 – 25.1.5.6 Permitted Activities	<ul style="list-style-type: none"> Any disturbance or occupation of the coastal marine area for the installation, use, maintenance or replacement of submarine lines or cables. The deployment of any structure, instrument or material for or in connection with any scientific investigation. Any occupation that excludes the public for temporary military training purposes in accordance with the Defence Act 1990. Any constructed platform or support structure for recreational hunting or fishing, including a mai-mai or whitebait stand. Any disturbance or occupation in the coastal marine area resulting from the maintenance, repair, replacement or reconstruction of any structure or work that is: <ul style="list-style-type: none"> (i) for the purpose of avoiding or mitigating effects of erosion or inundation; or (ii) part of a road, including any bridge, culvert or protection work; The placement, operation and maintenance of aviation navigational aids and beacons, and marine navigational aids and beacons. <p>Provided they comply with the specified rule conditions.</p>
25.1.5.7 Controlled Activities	<ul style="list-style-type: none"> Any disturbance or occupation of the coastal marine area by or in connection with the use, maintenance, repair, replacement or removal of any pipe, discharge outfall structure, navigation aid, overhead line or with the upgrading of any overhead line. <p>Provided it complies with the specified rule conditions.</p>
25.1.5.8 Discretionary Activities	<ul style="list-style-type: none"> The disturbance or occupation of the coastal marine area by any structure or activity specified in rules 25.1.5.1 to 25.1.5.7, or the use of any such

¹³ Note: the Chapter 25 rules relating to passage of craft, structures and occupation for aquaculture activities, and hazardous facilities are discussed in the Chapter 20, Chapter 22 and Chapter 23 evaluation reports respectively.

	structure, in a manner that does not comply with the conditions, standards or terms of those rules.
Disturbance – Passage on Foreshore	
25.2.2.1 Permitted Activity	<ul style="list-style-type: none"> The passage of craft or vehicles across or along the foreshore. Provided it complies with the specified rule conditions.
Disturbance of Foreshore and Seabed	
25.2.3.1 Permitted Activities	<ul style="list-style-type: none"> Disturbance of foreshore for the purpose of facilitating the rescue or burial of stranded marine mammals. Provided it complies with the specified rule conditions.
25.2.3.2 Discretionary Activities	<ul style="list-style-type: none"> Any disturbance of the foreshore or seabed involving the excavation, deposition, redistribution or removal of material (excluding certain aquaculture activities). Provided it complies with the specified rule conditions.
25.2.3.3 Non-Complying Activities	<ul style="list-style-type: none"> Any disturbance of foreshore or seabed for any purpose specified in rule 25.2.3.2, that does not comply with the conditions for that rule
Schedules	
Schedule 25A	Coastal Structures Permitted by Rule 25.1.2.1
Schedule 25B	Mapua Mooring Area
Schedule 25C	Location of River Mouths and CMA Boundary
Schedule 25D	Areas with Nationally or Internationally Important Natural Ecosystem Values
Schedule 25G	Assessment Criteria for Natural Character

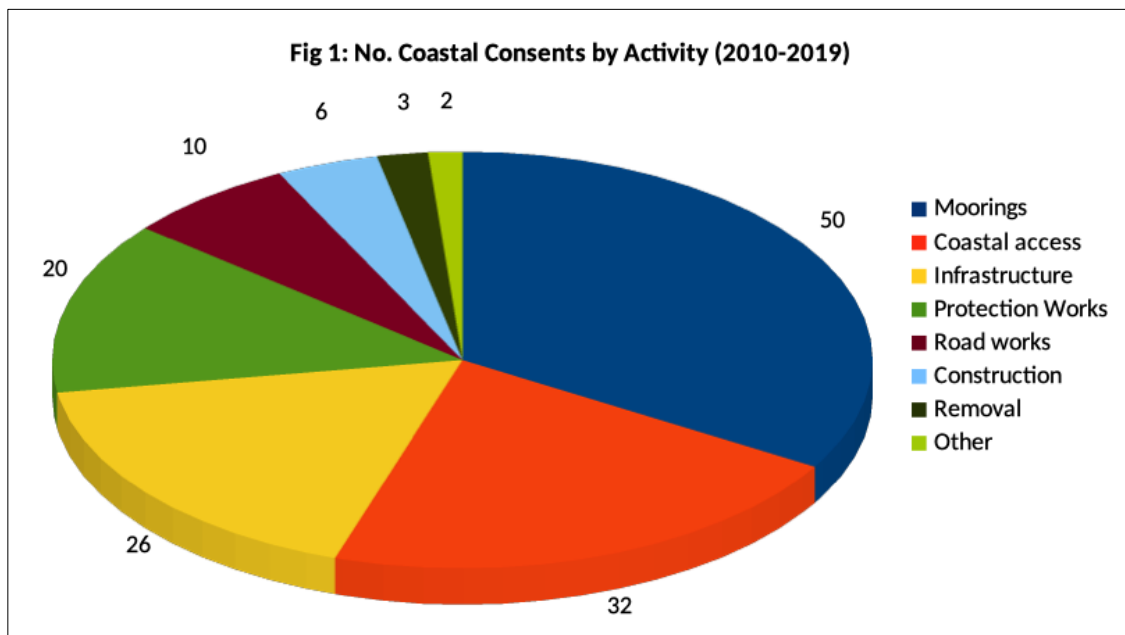
Over the previous ten years (2010–2019) 160 resource consent applications were received by TDC under the TRMP rule-sets above.¹⁴ Of these, 149 were new applications and 11 were applications to vary the conditions of existing consents. Just over half of the consent applications related to coastal structures and occupation (84, or 56%), with the remaining consents being classified as coastal disturbance (65, or 44%).

As Figure 1 (next page) shows, the majority of applications (50, or 34%) involved the establishment of swing moorings to accommodate vessels between 5 – 19 metres in length. The moorings are located throughout the District, including within Abel Tasman National Park and near settlements such as Kaiteriteri, Stephen’s Bay, Motueka and Mapua.

Thirty-two applications (21%) were received for activities to improve coastal access for pedestrians, cyclists, boats and vehicles. The majority of these related to provision of walkways and cycleways, including as part of the Nelson-Tasman Great Taste Trail. Improved boat access was provided through consents to install or upgrade boat ramps, jetties and wharves (both public and private), and consents for vehicle access related to water taxi’s crossing the foreshore at Marahau to launch and retrieve boats, and access for logging operations at Ferry Point, Collingwood.

¹⁴ Resource consent information was extracted from TDC’s MagiQ-BI consents database using keyword searches (it is not possible to search by TRMP rule number). As a consequence, there may be relevant resource consent data that was not captured by the key words used, although this is anticipated to be a small number only, if any.

Infrastructure works accounted for 17% of consents. This included construction, maintenance and repair of stormwater pipes and outlets, installation or replacement of wastewater pipes, and replacement of poles on the electricity transmission line crossing Waimea Estuary.



A range of coastal protection works also required consent (20, or 13%). This relate to activities such as beach replenishment and sand push-ups, and the construction, maintenance and repair of rock walls as a response to coastal erosion.

Applications for road works involving reclamation and disturbance of the foreshore or seabed made up 7% of the consents. This is included consents in relation to the reclamation of foreshore and seabed of the Waimea and Moutere Inlets for the purpose of constructing the SH60 Ruby Bay Bypass.

Construction activities, including for a new tourist resort, upgrade of the Marahau entrance to the Abel Tasman National Park, and the creation of a hardstand for a freight company made up 4%.

Three applications (2%) involved the removal of coastal structures, namely a derelict wharf at Port Tarakohe, historic earthworks material that had been previously dumped below MHWS at Rabbit Island, and a geotextile sand-filled groyne that had originally been constructed to maintain the channel entrance to the Moutere Inlet at Motueka.

Two other consent applications were received, one to extract gravel from the lower Motueka River (within the CMA) and the second to dispose of cleanfill material on top of the Rototai Landfill.

Figure 2 (next page) shows the number of consent applications received by TDC each year between 2010 and 2019.

Applications received vary from a low of four in 2019 and a peak of 28 in 2014. For most years around 15 - 20 consent applications were received. The spike in 2014 was due to a suite of applications to replace expired coastal permits for moorings adjoining residential enclaves in the Abel Tasman National Park (originally granted in 1994). It is not clear why there were so few consents in 2019, or why there appears to be a general downward trend in applications since 2015.

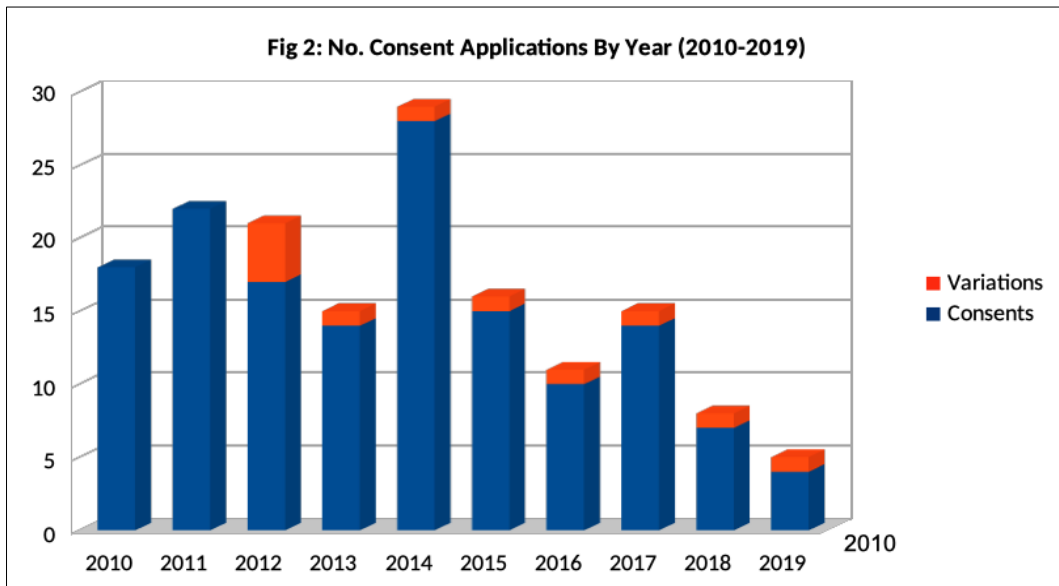
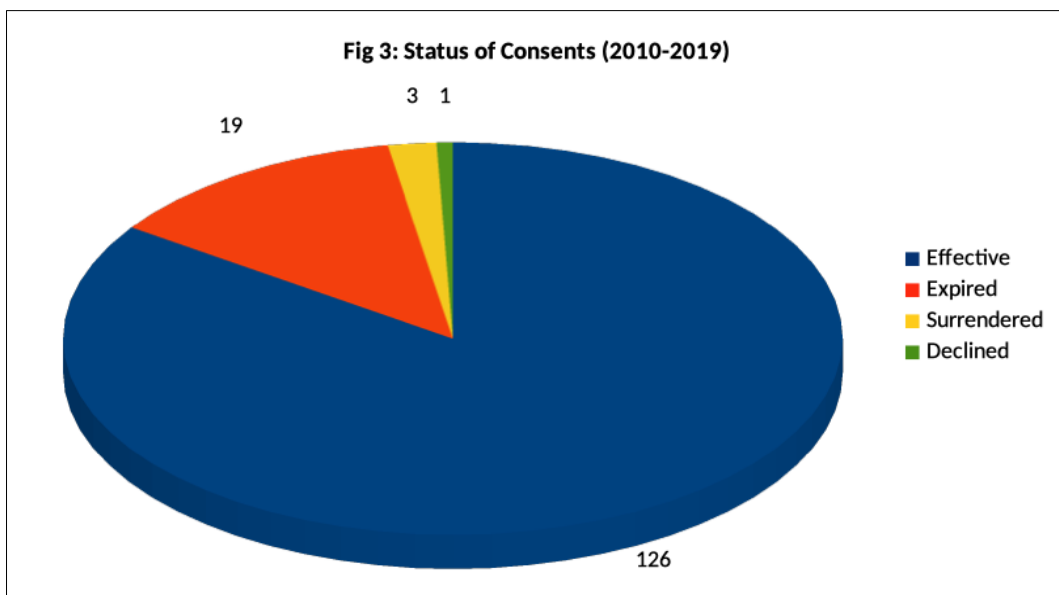


Figure 3 shows that the majority of the consents (126, or 84%) are ‘consent effective’, which means that the activities granted are currently being carried out by the applicants. In contrast, around one in five consents have expired (19%). These tend to be for one-off activities that needed only a limited timeframe for completion, such as road works and emergency coastal protection works. Three other consents had been ‘surrendered’ as the consent holder alerted Council to the fact the work had been completed before the consents’ expiration date.

Only one of the consent applications received between 2010 and 2019 was declined. It related to an application to construct and use a rock wall (or ‘revetment’) on public land at Pakawau, Golden Bay, to protect private properties against coastal erosion. The application was turned down because the likely adverse effects on coastal processes, natural character, visual amenity and landscape values were considered to be cumulative and significant.



As shown in Table 7 below, half (or 74) of the consent applicants were government agencies or utility operators, with TDC applying for the greatest number of consents by far. Activities requiring

consent by TDC included provision of public access to and along the coast (most notably as part of the Tasman Great Taste Trail), infrastructure projects involving construction and maintenance of the stormwater network, coastal erosion protection works, and road works.

Table 7: Consent Applicants by Agency

Consent Applicant	No. Consents	% of Total
Tasman District Council	52	35
NZ Transport Agency	7	4.5
Network Tasman	7	4.5
Nelson Tasman Sewerage Authority	4	3
Department of Conservation	4	3
TOTAL	74	50

These activities often required multiple consents for different aspects of the proposed works. For instance, an application to construct the coastal section part of the Tasman Great Taste Trail along the edge of the Waimea Estuary required separate consents to occupy, to disturb, and to reclaim parts of the CMA in association with the construction of structures, including boardwalks, culverts, fords and/or bridges.

A total of 126 consent applications (91%) were non-notified, whereas 21 consents (14%) were fully (i.e. publicly) notified and two consents (2%) were processed under limited notification (where specifically identified people or groups are affected by the proposal and given an opportunity to make a submission). Projects undertaken by public agencies (e.g. TDC, NZTA and the Nelson Regional Sewerage Authority) made up the vast majority of publicly notified applications.

3.3.2 Difficulties with Implementing TRMP Mooring Provisions

Following the regional coastal plan became operative on the 1st October 2011 most existing moorings required resource consent to continue. By 2013 it became evident that the mooring provisions were not working well, with the majority of pre-existing moorings continuing as unauthorised structures. Council subsequently reviewed the way moorings were managed and found a number of issues, including:

- Conflict and tension in the management of swing moorings in high demand areas;
- Current RMA processes leading to inefficient use of space and overly-complex approval processes in some locations; and
- The need for new policy and rules to enable the removal of coastal structures.

A plan change and bylaw have been prepared to address these issues and the council recently (February 2020) approved them for public notification. The key components of the proposed TRMP amendment include:

- (a) Establishment of appropriately located Mooring Areas at Mapua, Motueka, Tapu Bay, Stephens Bay, Kaiteriteri, Otuwhero Inlet (Marahau), Torrent Bay, Boundary Bay, Milnthorpe and Mangarakau Wharf.

- (b) A new rule providing for moorings in Mooring Areas as permitted activities subject to conditions being met and the mooring owner holding a Mooring Licence issued by the Harbourmaster under a Mooring Area Bylaw.
- (c) Continued provision for moorings in locations outside of Mooring Areas as a discretionary activity.
- (d) A requirement to removal of unauthorised, abandoned or redundant structures affecting natural character, habitats and ecosystems, natural features and public access, except where the removal would have adverse effects, including on historic heritage.
- (e) New provisions on multiple structures and public structures, efficient mooring systems and flexibility in mooring type.

3.3.3 Implementation of Chapter 21 Provisions

Natural Character

Objectives 21.1.2, 21.3.2 and 21.7.2 address matters relating to natural character, including protection of landscapes, seascapes, natural features and amenity values. The TRMP defines natural character as including:

- (a) landform, including natural features and patterns;
- (b) natural processes that create and modify landform;
- (c) indigenous plant and animal species present;
- (d) natural sounds;
- (e) natural water quality;
- (f) absence, or unobtrusiveness, of use and development;
- (g) expansive open space, especially where there is knowledge that undeveloped space is in public ownership; and, in particular, the sea.

Schedule 25D identifies 22 coastal areas having nationally or internationally important natural ecosystem values. These include all of the estuaries in Tasman, as well as stretches of coastline, river deltas, and habitats for indigenous flora and fauna. Natural character is a strong element of the Schedule and activities that may impact on these areas require an assessment of effects through the resource consent process.

The natural character of a number of the areas listed on the Schedule include both physical characteristics of the CMA (e.g. tidal estuaries) as well as land above the mean high water springs boundary (e.g. indigenous vegetation). As a consequence, there are provisions in the district plan chapters of the TRMP to address effects of land use activities (such as earthworks rules), as well as in the regional coastal plan chapters to address effects of activities in the CMA, such as coastal structures, occupation and foreshore and seabed disturbance.

Consideration of natural character outside of the areas listed on Schedule 25D is limited. It is identified as one of the matters to be addressed for discretionary activities involving new structures for the use of craft. With regard to aquaculture, natural character and amenity values (including visual and noise effects) is an explicit consideration for mussel farming activities in AMA 2 Puramakau, subzone (I) only. However, it is a matter that can be taken into account for aquaculture activities in other AMAs at council's discretion.

Consent staff report that the task is made difficult by a lack of information in the TRMP regarding what aspects of natural character need to be protected. They therefore have to deal with the matter on a case-by-case basis.

Also as alluded to by consent staff, a major shortcoming with the TRMP is the lack of identification of coastal environments with outstanding landscapes, seascapes and natural features (Schedule 25D excepted). While there have been a number of studies over the years to identify important natural character values, they have not ended up being incorporated in the TRMP. The situation is discussed in some detail in the Chapter 9 Evaluation Report, which concluded that:

Overall, the outcome of protecting outstanding landscapes and features from the adverse effects of subdivision, use or development has not been achieved through the Plan.

Although an extensive amount of landscape assessment work has been done in the Golden Bay and Northwest Coast areas during the past ten years,¹⁵ outstanding natural features or landscapes have not yet been identified or mapped. This has left a very significant gap in the Plan...

For applications in the coastal environment, consents officers have resorted directly to the national direction in the New Zealand Coastal Policy Statement for guidance. However, for areas outside the coast the strongest guidance is in Plan policies and objectives relating to other valued landscapes...

The need to address this gap was also strongly signalled by the Environment Court when it was hearing appeals against the establishment of an AMA in Wainui Bay.

Habitats and Ecosystems

Objective 21.2.2 addresses habitats and ecosystems. As discussed above, Schedule 25D identifies areas having nationally or Internationally important natural ecosystem values and activities involving new structures or disturbance in these areas requires consent as a non-complying activity.

For activities in areas outside of the Schedule, discretionary activity rules require an assessment of effects on coastal habitats and ecosystems in relation to new structures and disturbance. For aquaculture activities, 'ecological effects' need to be addressed and specific matters that the council can take into account include:

- Monitoring to ensure sustainable management of the marine environment at and in the vicinity of the site;
- Managing risks of incursion, disease, biosecurity risk organisms, and genetic risk to wild stock;
- Effects of intensity of development;
- Cumulative effects of activities throughout the subzone, adjoining subzones and the wider environment;
- Consistency with the ecological management plan for the subzone; and
- Integration with ecological management plans that are relevant for other subzones in the same AMA.

Impacts of proposed activities on coastal habitats, marine mammals and seabirds often need to be assessed in consent applications. Aquaculture applications can also be peer reviewed by the Ecological Advisory Group (EAG) who provide independent advice to Council on the monitoring of the existing mussel farming activities in Tasman and Golden Bay.

15 See Appendix A in the Chapter 9 report for a timeline of past Tasman landscape studies and policy initiatives.

Permitted activities (see 25.1.5 rule set) include some rule conditions relating to habitat and ecosystems, such as ‘there is no damage to any plant or animal habitat’, and ‘disturbance is confined to the smallest practicable area and does not cause significant habitat damage’. However, the extent to which this is complied with is unknown.

Natural Coastal Processes

Effects of activities on natural coastal processes is a matter considered in resource consent applications for structures and disturbance of the foreshore and seabed. Discretionary activity rules relating to structures for craft are required to take into account potential ‘changes to wave patterns, current flow, sediment transport and deposition, exchange of saltwater and fresh water, nutrient transfer, or other coastal processes’.

Consent applications involving the construction of sea walls to prevent coastal erosion and inundation also need to address effects on natural coastal processes. The Pakawau application (discussed in section 3.3.1 above) was declined in part due to the unacceptable impact the proposed rock wall would have on natural processes.

Activities involving the disturbance of the foreshore or seabed need to consider ‘natural coastal processes occurring in the source and replenishment areas, and the likely destination of material moved from the replenishment site by natural processes’. This is particularly relevant for coastal protection works such as beach replenishments and sand push-ups to address coastal erosion.

‘Hydrodynamic effects’ of aquaculture structures is an explicit matter to be addressed under discretionary activity rule 25.1.4.5, although effects on natural coastal processes can be considered for any discretionary activity where relevant. While Ecological Management Plans required for marine farms focus mainly on ecological values such as water and habitat quality, ‘current flow and wave climate’ are matters that need to be monitored.

A number of the permitted activities in rule set 25.1.5 are conditional on avoiding impacts on natural processes, including matters such as ‘The structure does not impede or divert water flows’ and ‘The activity avoids further restriction to tidal flushing and fish passage’. Again, the degree of compliance with these rule conditions is unclear.

The close relationship between land use activities, such as coastal subdivision and development, and effects on natural coastal processes, including coastal erosion and inundation, reveals a need for stronger integration between TRMP provisions relating to land and the CMA. In support, the NZCPS anticipates the need for managing effects and activities across the CMA-land boundary. The first NZCPS policy requires councils to “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”. The policy further directs councils to recognise that the coastal environment includes the CMA, areas where coastal processes, influences or qualities are significant, and areas at risk of coastal hazards (among other elements).

NZCPS Policy 5 also requires council to “Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment”, including the local authority boundary between the coastal marine area and land. The implications of climate change for TRMP provisions also needs to be addressed. For instance, natural processes may need to migrate inland over time, otherwise aspects of our natural coast could be lost.

A key consideration for council when updating the TRMP provisions, therefore, is identifying ways in which natural coastal processes can be managed through an integrated objective-policy- rule framework that enables activities and effects to be considered across the CMA-land boundary.¹⁶

Cultural Heritage¹⁷

Objective 21.5.2 seeks to maintain the cultural heritage values of sites or areas in the CMA. However, effects of activities on cultural heritage values are regulated via Chapter 16 in the district plan part of the TRMP, not in Chapter 25 of the regional coastal plan which lacks rules and assessment matters requiring consideration of effects on cultural heritage. Despite this, section 12(1)(g) of the RMA does restrict any person from destroying or damaging any foreshore or seabed in a manner that may adversely affect historic heritage unless expressly allowed by a resource consent.

TRMP Schedule 16.13A lists heritage buildings and structures. There are a total of 127 buildings scheduled, of which 12 are Category I and 115 are Category II buildings. Approximately three quarters of the buildings and structures scheduled in the TRMP are also listed on the Heritage New Zealand List/Rāangi Kōrero.¹⁸ The remaining quarter have a Council but not HNZPT listing.

There are two heritage items listed for the CMA - Onekaka Wharf and Motueka Wharf. Other structures known to have heritage value, but are not listed in Schedule 16.13C include the Motueka salt water baths, which is registered as an historic place by HNZPT, and a number of old wharves (such as Milnthorpe). An issue is balancing the need to protect heritage values with the likely cost for repair and maintenance. Similarly, consideration needs to be given to whether historic structures pose a risk to navigation.

Cultural heritage sites and precincts are listed on Schedule 16.13C of the TRMP. The majority of the listings (68%) relate to sites of interest to Māori and include wāhi tapu, middens, pits, terraces, caves, rockshelters, working areas, horticulture areas, urupā and artefact findspots. The location of sites can be based on imprecise co-ordinates, which means they are not always accurately shown on the planning maps and, as with heritage structures, there are known cultural sites in the CMA that are not recorded in the schedule, e.g. waka landing sites.

Pariwhakaoho, a coastal river in Golden Bay, is identified in Policies 21.5.3.1 and 2 as having significant cultural heritage values. Again, though, it is not subject to any rules or referred to in any of the assessment matters in Chapter 25. It is indirectly addressed through an assessment matter relating to aquaculture, which requires consideration of 'Treaty Values', including 'pollution and degradation of kaimoana beds, degradation of customary fisheries ecosystems, imposition and lifting of tapu rahui, and access to customary coastal resources'.

The provisions for cultural heritage sites have not been updated to account for information obtained through the Settlement Legislation for Te Tau Ihu iwi; or from relevant iwi environmental management plans. These documents will need to inform the TRMP Review. The review will also need to take into account any relevant planning document recognised by an iwi authority (see

16 This issue is also highlighted in the Chapter 23 Evaluation Report on Natural Hazards in the CMA.

17 This section has been informed by the TRMP evaluation report for Chapter 13 'Significant Natural Values and Historic Heritage'.

18 Information retrieved from <https://www.heritage.org.nz/the-list> on 2 Oct 2019.

Appendix 1, p.50). The TRMP review should also seek to identify other ways that sites and values of significance to the iwi of Te Tau Ihu can be recognised.

Policy 19 in the NZCPS 2010 ('Historic heritage identification and protection') must also be given effect to and should be used to guide the review of the TRMP heritage provisions.

Public Access

Objective 21.6.2 is concerned with maintaining public access in the CMA, including passage or navigation, while protecting the range of values identified in the other sections of Chapter 21. Public access is strongly maintained through a number of permitted activity rules, including the use of any craft for navigation, the passage of craft or vehicles across the foreshore, and the use of existing structures relating to craft (e.g. moorings) identified in Schedule 25A.

In addition, there are permitted activity rules relating to a range of activities (rule set 25.1.5), including structures for scientific investigation, recreational hunting or fishing, and placement of navigational aids.

All the permitted activities are subject to conditions (as and where relevant), including the avoidance of impacts on natural character, habitats and ecosystems and natural coastal processes. However, the extent to which these are complied with is unknown, due to a lack of monitoring information around the effects of permitted activities on these values.

During an assessment of Chapter 21 provisions, council staff raised concerns around the effects of vehicles on beaches close to bird nesting sites, including photographic evidence showing tire tracks in close proximity. There was discussion about the practicalities of limiting vehicle access to beaches, especially in sensitive environments and during the breeding and nesting seasons. It was noted that a schedule identifying bird breeding and nesting sites, and applying provisions to ensure they are not disturbed by public access, would be worth considering.

As noted in section 3.3.1 above, public access to and along the CMA has been enhanced through a number of consented projects, including the Great Taste Cycle Trail and other initiatives (often instigated by Tasman District Council) to provide a variety of walking and cycling options. These tend to be located on the landward side of the coast, but nevertheless provide access to the CMA. Consent staff also state that they are proactive in requiring esplanade reserves and strips as part of the subdivision process.

3.3.4 State of the Environment Monitoring Data

The State of the Bays Report 2016¹⁹

A study by the Cawthron Institute published in 2016 provided a summary of the conditions in the Tasman and Golden Bays based on available information relevant to a state of the environment assessment. As the coastal seas are the receiving environment for activities that occur 'upstream', the study considered aspects of coastal catchments that impact the marine ecosystem, including changes in land cover, freshwater quality, and ecosystem health.

19 Newcombe E, Clark D, Gillespie P, Morrisey D, MacKenzie L 2015. *Assessing the State of the Marine Environment in Tasman Bay and Golden Bay*. Prepared for Nelson City Council and Tasman District Council. Cawthron Report No. 2716. 70 p. plus appendix.

Table 8 below summarises the findings from the study by identifying the key issues covered, their main causes, their degree of significance, and high level implications.

Table 8: Summary of Coastal Environment Monitoring Data and Implications for TRMP Review

Issue	Cause	Significance	Implications
<p>Climate Change</p> <ul style="list-style-type: none"> - Changes in temperature will influence the stratification dynamics of the water column, which affects primary productivity. - Ocean acidification is expected to impact the production of calcified structures such as bivalve shells, thereby adding further to the impacts on biogenic habitat formation, as well as other impacts on commercially and ecologically important species. - Sea level rise and inundation poses a risk to low-lying land and infrastructure. 	<ul style="list-style-type: none"> - Increasing concentrations of greenhouse gases in the atmosphere from activities such as industry, agriculture and transportation. - New Zealand's emissions are dominated by animal agriculture, followed by transport, manufacturing and industrial activities. 	<ul style="list-style-type: none"> - An assessment of anthropogenic threats to New Zealand marine habitats²⁰ concluded that the overall greatest threat was ocean acidification, followed by rising sea level temperatures as a result of global climate change. - Many aspects of ecosystem functioning are expected to change with the progress of climate change. 	<ul style="list-style-type: none"> - Climate change will exacerbate other pressures on the coastal environment, e.g. increased frequency and severity of storm events will lead to increased wave action and higher sediment input from land.
<p>Primary Productivity</p> <ul style="list-style-type: none"> - Problem growths of seaweeds or microalgae; some microalgae produce toxins that can be harmful to marine organisms or humans. 	<ul style="list-style-type: none"> - Excessive nutrient run-off (especially nitrogen) from land via sewage, stock effluent, industrial waste, fertilisers, and land disturbance. 	<ul style="list-style-type: none"> - Most nitrogen input into the Bays (90%) comes from natural oceanic upwelling; - Nearshore and local-scale effects may occur where nutrient inputs are high; - Estuaries are more susceptible to blooms than outer coast; - No evidence of undesirable levels of phytoplankton removal due to mussel farming; 	<ul style="list-style-type: none"> - Maintain controls on nutrient inputs to ensure problems do not occur; - Ensure mussel farming develops at sustainable levels to avoid depletion of phytoplankton communities.

20 MacDiarmid A, McKenzie A, Sturman J, Beaumont J, Mikaloff-Fletcher S, Dunne J 2012. *Assessment of anthropogenic threats to New Zealand marine habitats*. New Zealand Aquatic Environment and Biodiversity Report No. 93. 255 p.

Issue	Cause	Significance	Implications
		<ul style="list-style-type: none"> - Overall, the region is a low risk of large scale nutrient-related impacts. 	
<p>Sedimentation</p> <ul style="list-style-type: none"> - Increases in sediment deposition can drastically increase the amount of muddy habitat, which can reduce estuarine biodiversity with follow-on effects to the coastal food-web; - Fine sediments in the sea reduce light levels, clog gills of shellfish, prevent plants and animals from settling, and bury organisms and habitat. 	<ul style="list-style-type: none"> - Increases in sediment deposition from human activity on land, including land use changes and disturbance. - Sediments washed into the Bays from rivers during storm events; - Re-suspension of settled sediment in the water column by ocean waves and currents. 	<ul style="list-style-type: none"> - Input of fine-grained sediment is a significant issue for Tasman and Golden Bay estuaries; - Very fine surface sediments are common in both Bays; - Over past 20 years land-based sediment inputs have not been especially high; - Re-suspension is possibly a greater stressor than new sediment input. 	<ul style="list-style-type: none"> - Reductions in sediment levels in the water column can be made by both limiting sediment input from land (e.g. by controls land disturbance), and by reducing disturbance of the seabed.
<p>Habitat Integrity</p> <ul style="list-style-type: none"> - Changes to the features of a habitat, such as the amount or type of sediment or the loss of key plants or animals that create structure, will affect biodiversity and habitat-integrity. 	<ul style="list-style-type: none"> - Disturbance by fishing has substantially modified soft-sediment habitats within the Bays by homogenising sediments and reducing habitat integrity over much of the seafloor. 	<ul style="list-style-type: none"> - Many of the remaining seabed communities are characteristic of a highly disturbed environment - Extent and status of remaining healthy biogenic habitat is not well understood; - Less is known about rocky reef habitats in the Bays, but it is likely that there have been food-web effects (for example increases in kina abundance and a reduction in seaweed abundance) relating to the removal of large fish in many areas. 	<ul style="list-style-type: none"> - Protection of habitat integrity by limiting disturbance; - Establishment of marine reserves to increase biogenic habitat; - Monitoring of marine reserves, especially habitat-forming species such as large seaweeds, horse mussels, bryozoans and sponges.
<p>Contamination</p> <ul style="list-style-type: none"> - Bacterial: can cause problems for human health, either by contact with the water, or by consuming animals that are contaminated 	<ul style="list-style-type: none"> - Microbial source tracking (MST) identified the main source of faecal indicator bacteria was farm animals (cows or sheep); - Activities that are potential sources of 	<ul style="list-style-type: none"> - Bacterial contamination appears to be low in coastal waters of the Bays, but occasional peaks do occur; - Faecal indicator bacteria in Tasman Bay increase during 	<ul style="list-style-type: none"> - Need to more clearly identify the key sources of bacterial contamination using MST, combined with more intensive sampling in coastal, estuarine, and

Issue	Cause	Significance	Implications
<p>(primarily filter-feeding shellfish).</p> <ul style="list-style-type: none"> - Chemical: Toxic chemicals can kill marine species, or reduce their ability to grow and reproduce. Human health can be affected if contaminants accumulate in the bodies of animals that we consume. 	<p>chemical contamination include dredge spoil disposal and hull cleaning.</p>	<p>high river flows and this contamination can be detected at least 6 km off shore.</p> <ul style="list-style-type: none"> - Overall chemical contamination occurs at low levels and many sources are reducing; - There is some localised contamination, e.g. at Mapua. 	<p>freshwater environments.</p> <ul style="list-style-type: none"> - Effects on the environment of emerging chemical contaminants need to be better understood, e.g. compounds found in personal care products.
<p>Fisheries</p> <ul style="list-style-type: none"> - Overfishing and damage to marine habitats from some fishing practices. 	<ul style="list-style-type: none"> - Almost all unprotected areas within 12 nautical miles of shore have been trawled at least once. Most areas have been trawled many times. 	<ul style="list-style-type: none"> - Important fish stocks are depleted compared to historical levels, which suggests that substantial changes to the food-web have also occurred; - Scallop populations are highly variable, but biomass estimates show a decline to very low levels in the Bays in the last 15 years; - Protected areas show an increase in the numbers of some exploited species. 	<ul style="list-style-type: none"> - Councils cannot limit fisheries activity for fisheries management purposes; - Court of Appeal has found that regional councils are able to control fisheries resources for the purpose of maintaining indigenous biodiversity;²¹ - Increasing protected marine areas is an option to increase fish stocks / habitat.
<p>Biosecurity</p> <ul style="list-style-type: none"> - Invasive species compete with native species, and foul boats and equipment. This can have negative effects for ecological, recreational, commercial, and cultural reasons. 	<ul style="list-style-type: none"> - Introduction of pest species from boat's arriving in ports. 	<ul style="list-style-type: none"> - Biosecurity surveys at ports within the Bays have found a number of established invasive species, but substantial negative impacts have not been documented. 	<ul style="list-style-type: none"> - The Top of the South Biosecurity Partnership is working to reduce the risks and impacts of marine invasions in Tasman, Nelson and Marlborough.

Table 9 presents a one line overview for each of the issues discussed above, identifies whether there is a detectable trend, and classifies the quality of the available data.

21 Attorney-General v The Trustees of the Motiti Rohe Moana Trust & Ors [2019] NZCA 532

Table 9: Assessing the state of the marine environment in Tasman Bay and Golden Bay: themes, state, trends, and data quality²²

Theme	State	Trend	Data quality ²³
Primary productivity - water column	Not greatly increased by nutrient input, possibly reduced by water column sediment shading.	Unknown	Medium (TASCAM), potential for emerging technologies
Primary productivity - seabed	Probably reduced by water column sediment shading and loss of seaweed forests.	Unknown	Low
Sedimentation	Unknown	Unknown	Low
Habitats (Habitat integrity) soft sediments	High disturbance causing homogenisation and fine seabed surface.	Unknown	Low
Habitats (Habitat integrity) rocky reefs	Probably seriously degraded, seaweed forests likely very reduced.	Unknown	Low
Toxic chemical contamination	Minor detectability of some contaminants.	Unknown	Medium
Faecal contamination	Widespread contamination from diffuse sources.	Unknown	Medium
Fisheries	Depleted, likely due to overfishing and habitat removal.	Unknown	Medium
Biosecurity/invasive species	Non-native species repeatedly being transported to the region.	Pressure increasing, but improving biosecurity networks	Medium

Eutrophication Susceptibility²⁴ and Trophic State of Estuaries in the Tasman Region 2018²⁵

A 2018 study into the state of Tasman’s estuaries reported similar findings to that summarised in Tables 8 and 9 above. The TDC commissioned study estimated the physical and nutrient load susceptibility and trophic state of Tasman estuaries based on a range of key indicators such as macroalgal biomass, total nitrogen, total organic content, and dissolved oxygen.

The overall conclusion was that:

- 22 This table comes from: p.15, Newcombe, E 2016. State of the Bays: Tasman Bay and Golden Bay Marine Environments. Prepared for Nelson City Council and Tasman District Council. Cawthron Report No. 2891 15 p. <http://envirolink.govt.nz/assets/Envirolink/1643-TSDC121-State-of-the-Bays-Tasman-and-Golden-Bay-marine-environments.pdf>
- 23 Data quality classifications: Non-existent = indirect information sources (e.g. anecdotal, estimated) only Low = some direct measurement, not ongoing Medium = measured on more than one occasion but inconsistent methods High = repeated consistent measurements available
- 24 Eutrophication refers to the over-enrichment of nutrients leading to excessive algal growth.
- 25 Stevens, L.M. and Rayes, C. 2018. Summary of the Eutrophication Susceptibility and Trophic State of Estuaries in the Tasman Region. Report prepared by Wriggle Coastal Management for Tasman District Council. 16p.

The results show that the majority of estuaries in the Tasman region are currently rated as very good or good in terms of trophic state, indicating nutrient enrichment is not causing significant estuary degradation in most areas. The estuaries with the greatest eutrophication degradation were the larger estuaries, e.g. Waimea Inlet and Moutere Inlet. The very good ecological status on the West Coast reflects smaller sized well-flushed estuaries with a predominantly native forest catchment. Abel Tasman estuaries are in good condition but specific data are currently unavailable for their assessment (p.1).

Waimea and Moutere Sediment Sources Study 2018²⁶

As noted in Table 8, sediment input into the CMA is a significant issue in Tasman. Another 2018 report prepared for TDC by the National Institute of Water and Atmospheric Research Ltd (NIWA) has helped to identify the sources of sediment being deposited in the Waimea and Moutere estuaries.

The study found that sediment in the Waimea Catchment could be attributed to soil erosion following harvesting of pine forests and 'legacy sediment' from bank and hillside erosion.

In the Moutere Catchment, sediment was found to be caused by 'bank erosion', possibly attributable to hill-slope erosion following the removal of tree root boles and recontouring for conversion from pine to pasture. Further down the catchment sediment was linked to harvested pine forest, with only a small amount of pasture contribution. Almost 90 % of the sediment at the Moutere River mouth was identified as being of pine forest origin.

The key findings of the report were:

- Native forest and mature pine forest plantations were found to produce very little sediment.
- A substantial proportion of fine sediment was found to originate from forest harvesting, although loads could not be calculated without additional mass transport data.
- Areas of harvested production forest can become colonised by gorse, broom and other weed species if not replanted in pine or before canopy closure by replanted pines. These weedy species are less efficient at protecting the soil from rainfall than a closed canopy forest and provide a distinctive sediment CSSI signature.
- Bank erosion is a major source of fine sediment.
- The Waimea Estuary is receiving a high proportion of legacy sediment from bank erosion but is also receiving sediment from harvested pine forest at various locations down the river, particularly the Wairoa, Lee and Roding catchments.
- Moutere Estuary is receiving a high proportion of sediment directly attributable to pine forest harvesting. This sediment may be travelling through the Moutere River system rapidly and being flocced out at the river mouth when it contacts the more saline sea water. Some of this sediment may be derived from recent harvesting in the Central Road tributary.

3.4 Effectiveness and Efficiency

This section provides an analysis of the efficiency and effectiveness of Chapter 21 of the TRMP. It focuses on the achievement of objectives contained within the chapter. The analysis draw on the

26 Gibbs, M. & Woodward, B. 2018. *Waimea and Moutere Sediment Sources by Land Use*. Prepared for Tasman District Council.

information from earlier sections, including environmental data, council records, and the opinion of experienced plan users.

3.4.1 Preservation of Natural Character

Objective	Analysis	Rating of Achievement
<p>Objective 21.1.2 Preservation of the natural character of the coastal marine area, particularly its margins, and including the maintenance of all values that contribute to natural character, and its protection from the adverse effects of use or development.</p> <p>Policy set 21.1.3.1 – 21.1.3.4</p>	<p>This objective has been partially achieved through provisions in the plan that control the effects of structures and disturbance of the foreshore and seabed on natural character. For aquaculture, the siting of the AMA's offshore was intended to reduce impacts on the natural character of the coastal environment. Rule conditions related to noise and light emissions from structures and vessels further assist in reducing effects.</p> <p>However, a lack of identification of natural character values in the TRMP, including for landscapes, seascapes and natural features, has reduced its ability to ensure effects of activities avoid or minimise impacts on natural character. This is indicated by public concerns about such effects, for example in relation to aquaculture activities in Wainui Bay.</p>	Partial achievement

3.4.2 Protection of Habitats and Ecosystems

Objective	Analysis	Rating of Achievement
<p>Objective 21.2.2 Avoidance, remediation, or mitigation of adverse effects on marine habitats and ecosystems caused by:</p> <p>(a) access by vessels, vehicles, people, or animals;</p> <p>(b) the introduction of species non-indigenous to the District;</p> <p>(c) disturbance of the foreshore or seabed;</p> <p>(d) the placement and use of structures for port, berthage, aquaculture, network utilities, roads, mineral extraction or any other purpose;</p> <p>(e) the disposal of contaminants or waste, or accidental spillage of substances;</p> <p>with priority for avoidance in those areas having nationally or internationally important natural ecosystem values.</p>	<p>Schedule 25D identifies 22 areas having nationally or internationally important natural ecosystem values, and applies a range of rules relating to new structures and disturbance of the foreshore and seabed to avoid or minimise adverse effects of activities on the areas' values.</p> <p>Areas outside of Schedule 25D do not enjoy the same degree of attention or protection. Updated information about the District's habitats and ecosystems should be identified, (e.g. rocky reef habitats) and incorporated in the TRMP.</p> <p>State of the environment monitoring data show that the health and condition of coastal habitats and ecosystems is generally being maintained. There are some problem areas, but these are predominantly due to land use activities controlled under the TRMP's district plan provisions, e.g. sedimentation caused by land disturbance. Also, the loss of sea floor habitat in Golden and Tasman Bays is largely attributed to historical fishing activities, notably trawling. There are some localised evidence of increased biodiversity in benthic communities beneath marine farms.</p> <p>There is some concern that vehicle access on beaches is disturbing nesting bird sites. The effects of</p>	On track to achieve

Objective	Analysis	Rating of Achievement
Policy set 21.2.3.1 – 21.2.3.26	permitted activities on coastal habitats and ecosystems is generally not known.	

3.4.3 Protection of Landscapes, Seascapes and Natural Features

Objective	Analysis	Rating of Achievement
<p>Objective 21.3.2 Maintenance of the natural character and landscape of the coastal marine area.</p> <p>Policy 21.3.3.1</p>	<p><i>See also the assessment under '3.4.1 Preservation of Natural Character' above.</i></p> <p>This objective has been partially achieved due to the identification of significant natural areas in Schedule 25D and the application of rules to restrict the activities that can be carried out within or adjacent to these areas. Even though the Schedule focuses on habitat and ecosystem values, it inevitably captures natural character and landscape values as well.</p> <p>The objective has not been achieved, however, in relation to the maintenance of natural character and landscapes outside of Schedule 25D. This is because the TRMP does not identify significant landscapes, seascapes and natural features in the CMA. It is therefore not possible to apply rules to ensure such values are protected, except on a case-by-case basis through the resource consent process (but without the benefit of assessment matters to guide decision-making).</p>	Partial achievement

3.4.4 Protection of Natural Coastal Processes

Objective	Analysis	Rating of Achievement
<p>Objective 21.4.2 Maintenance of natural coastal processes free from disturbance or impediments.</p> <p>Policy set 21.4.3.1 – 21.4.3.4</p>	<p>The TRMP provisions relating to structures and disturbance in the CMA have allowed effects on natural coastal processes to be addressed for a number of activities. This is most frequently applied to coastal protection works, including beach replenishment, sand push-ups, and hard coastal walls. The extent to which these activities would interfere with natural coastal processes has been a strong consideration under TRMP provisions, and at least one application has been declined because of its likely impacts. Additional guidance in the TRMP on managing the effects of existing structures on natural coastal processes, such as road causeways, would be useful, including consideration of the impact of sea level rise.</p> <p>The close relationship between land use activities, such as coastal subdivision and development, and effects on natural coastal processes, including coastal erosion and inundation, requires stronger integration between TRMP provisions relating to land and the CMA. The NZCPS anticipates the need for managing effects and activities across the CMA-land boundary. However, the TRMP has not been updated to give effect to the NZCPS 2010.</p> <p>Effects of climate change, including sea level rise and more frequent and intense storms will exacerbate natural coastal processes, such as</p>	Partial achievement

Objective	Analysis	Rating of Achievement
	coastal erosion. The TRMP will need to be updated to account for this. The council has initiated the Tasman Coastal Management Project Responding to Sea Level Rise and the results of this will need to inform the review of the TRMP.	

3.4.5 Protection of Cultural Heritage Values

Objective	Analysis	Rating of Achievement
<p>Objective 21.5.2 Maintenance of the cultural heritage values of items, sites or areas in the coastal marine area, including taonga of the tangata whenua.</p> <p>Policy set 21.5.3.1 – 21.5.3.3</p>	<p>The achievement of this objective is undermined by the limited identification of cultural heritage items, sites or areas identified in the CMA. Most of the items identified on TRMP heritage schedules are located on land and subject to district plan heritage provisions.</p> <p>Without knowing the full extent of heritage values in the CMA, it is not possible to assess the extent to which they have been maintained or adversely affected.</p> <p>Compounding the situation is a lack of rules and assessment matters relating to effects on cultural heritage in the CMA – there being no relevant provisions in Chapter 25 of the TRMP.</p> <p>Pariwhakaoho is identified as having important cultural heritage values for tangata whenua. Again, however, the Chapter 25 rule sets do not address matters that relate to Pariwhakaoho.</p>	Unable to determine progress

3.4.6 Effects of Public Access

Objective	Analysis	Rating of Achievement
<p>Objective 21.6.2 Maintenance and enhancement of public access in the coastal marine area, including public passage or navigation:</p> <p>(a) while preserving natural character, and maintaining ecosystems, heritage, and amenity values; and</p> <p>(b) without undue hazard or loss of enjoyment as a result of private occupation or use of coastal marine space.</p>	<p>Public access is largely permitted in and along the CMA, including for craft on the water, vehicles on beaches, and walking and cycling access. Initiatives such as creation of the Great Taste Cycle Trail and other walking and cycling infrastructure has enhanced public access to the coast.</p> <p>A question remains over the permitted activity status of Chapter 25 rules with respect to public access and whether there are adverse effects on natural character, ecosystems, heritage and/or amenity values in some instance, e.g. vehicles driving on beaches near bird nesting sites. A lack of information about the effects of permitted activities makes this difficult to determine, but there is some evidence / concern that negative impacts can and do occur in certain circumstances.</p> <p>The occupation of space by marine farms does inevitably restrict public access. However, the identification of AMAs in the TRMP was subject to a rigorous process, including close scrutiny by the Environment Court, and the loss of public access in these areas would have been balanced against the</p>	On track to achieve

Objective	Analysis	Rating of Achievement
Policy set 21.6.3.1 – 21.6.3.3	siting of the AMAs a considerable distance from land and the exclusion of aquaculture from the majority of Golden and Tasman Bays (i.e. outside of the AMAs).	

3.4.7 Enhancement of Amenity Values

Objective	Analysis	Rating of Achievement
<p>Objective 21.7.2 Maintenance and enhancement of the amenity value derived from the natural character of the coastal marine area.</p> <p>Policy 21.7.3.1</p>	<p><i>See also the assessment under '3.4.1 Preservation of Natural Character' above.</i></p> <p>Aquaculture activities are subject to amenity controls under the TRMP, notably, assessment matters contained in relevant rules to assess effects of noise and light emissions from aquaculture vessels and structures. AMAs have also been sited well off shore to help reduce effects on amenity values and natural character (except for the Wainui Bay).</p> <p>There is no performance standard for noise in the CMA, with council instead relying on the general noise provision in the RMA (s16). This means that non-aquaculture activities in the CMA are not subject to an assessment under the TRMP on the basis of noise emissions. In addition, there is a lack of rules to manage the effects of noise on wildlife.</p>	Partial achievement

Appendix 1: Iwi Management Plan Provisions Relating to Effects of Disturbance, Structures and Occupation on Coastal Marine Conservation, Heritage, Access and Amenity Values

Examples of provisions from Te Tau Ihu Iwi Management Plans relevant to the matters addressed in Chapter 21 are shown below. For the full text please refer the individual plans.

Because of the significance of the coastal environment to tangata whenua, and because of the large number of matters covered by Chapter 21, there are a many IMP provisions that are relevant.

Exercise of Tino Rangatiratanga and Kaitiakitanga

Participation in the management of coastal areas fulfils tangata whenua's inherited obligations to protect and look after associated taonga (treasures). It also enables tangata whenua history with places and resources along the coastline to be formally recognised.

Failure to adequately provide for tangata whenua participation in policy and planning, resource consent and concession processes has resulted in the desecration and destruction of urupā, waahi tapu and other taonga.

The destruction and/or modification of significant landforms, including headlands and pa sites, has also resulted from subdivision developments and other land use activities being undertaken without iwi consultation.

Effects of 'Upstream' Activities on the Coastal Environment

The need to uphold the principle of ki uta ki tai - the flow of water from the source to the sea, which recognises the interconnected nature of rivers, lakes, wetlands, wai puna and the coastal environment. Upstream activities have the potential to degrade the mauri of estuarine and seaward areas, including:

- cumulative effects on coastal water from runoff and discharges into fresh water upstream;
- contamination and loss of kai moana and kai mātaimai as a result of activities upstream;
- adverse effects of abstraction, damming and diversion of fresh water on coastal water;
- rubbish accumulating and breaking down on coastal beaches and estuaries;
- impact of coastal development and protection works on coastal water quality.

Sedimentation of estuaries and associated kaimoana beds can occur as a result of activities in and adjacent to rivers, such as forest felling, gravel extraction and river maintenance works. This sediment creates bottlenecks at river outlets, changing river flow and affecting the habitat health and ability of species to survive.

Cumulative Effects of Land-Use Activities

Cumulative effects of land use practices can result in the deterioration of cultural coastal values including:

- natural dune systems
- estuarine health;
- indigenous coastal bio-diversity;

- heavy metal/ contaminant run off into coastal waters;
- loss of coastal vegetation through clearance;
- resource gathering areas (Customary use);
- wāhi tau sites/areas;
- visual and amenity values (the character of coastal areas); and
- marine mammals.

Effects of Discharges and Waste Disposal

A range of activities can lead to a reduction in the water quality of marine and coastal environments and are of great concern, including: a) the discharge of contaminants into marine environments from stormwater and sewerage systems; b) septic tanks; c) trade waste; d) hospital and hospice waste; and e) agricultural run-off.

The placement of sewage pipelines across estuary areas or next to coastal ecosystems is also an affront to Tangaroa and tangata whenua.

Any waste disposal facility or dumping of waste in close proximity to coastal environments is of concern, even if the waste is not discharged or leaching directly into the coastal environment.

Effects of Activities on Mahinga Kai, Kai Moana and Customary Practices

Maintaining indigenous flora and fauna and associated mahinga kai (food gathering places) is vital for maintaining tikanga (customary practices) and matauranga (knowledge) associated with those taonga (treasures). Activities which have adverse effects on mahinga kai include: a) modification of waterways, estuaries, bays and harbours; b) human waste disposal into, near or across food gathering areas; c) the introduction of exotic plant and animal species which compete for space with indigenous species; and d) over-allocation of species for commercial harvest.

The loss of mahinga kai over time has greatly reduced the ability of tangata whenua to maintain their customs and tradition associated with nga taonga tuku iho (the treasured resources).

Developments undertaken adjacent to or in estuary environments directly impact on the ability of tangata whenua to practise their customs and traditions, e.g. dredging / dumping of material; reclamation of coastal margins; inappropriate waste disposal; and the location of coastal subdivisions on or near waahi tapu (sacred places) and mahinga kai (food gathering places).

Esplanade reserves also create a barrier for the on-going management of Kaimoana beds.

Effects of Structures

Facilitating access to the coastal environment may include the development of coastal structures such as marinas, slipways, wharves, piers, boat ramps, jetties. However, structures can give rise to:

- a visual and physical obstruction for migratory manu;
- loss of habitat and adverse effects on indigenous species;
- damage or loss of wāhi tapu;
- loss of natural and landscape values;
- increased density of coastal structures in particular localities; and
- restrictions on the use of the area for other activities.

Effects of Mining and Extractive Activities

Mining and quarrying in the coastal environment has the potential to reduce the life supporting capacity of coastal ecosystems, including:

- heavy metal/ contaminant run off into coastal waters;
- increased erosion and coastal instability as a result of extraction;
- loss of coastal vegetation through clearance;
- loss and damage to cultural heritage sites including (wāhi tapu and wāhi taonga);
- pest transfer as a result of machinery movement;
- loss of access of Ngāti Tama to cultural heritage sites; and
- sedimentation of shellfish grounds, including nursery and spawning areas.

Effects of Surface Water Activities (e.g. boating, marine farming)

Effects of commercial surface water activities include:

- noise pollution from motors, loudspeakers, and vessel horns;
- discharge of sewage from boats and grey water containing contaminants;
- risk of one-off coastal disasters such as oil spills, ballast discharges and accidental vessel groundings; and
- potential for vessels to spread introduced pests when anchoring or mooring, particularly near offshore islands.

Effects of Activities on Marine Birds

Many marine birds found within the coastal areas are taonga species. However these taonga are at risk from:

- activities which disrupt nesting and feeding areas;
- seabird by catch through inappropriate fishing practices;
- the loss of indigenous coastal habitat;
- pollution such as the discharge of water and the presence of plastics (which can be mistaken for food and fed to young birds); and
- global weather patterns and ocean warming.

Effects of Public Access

Increased public pressure on coastal areas resulting in adverse effects on culturally significant sites, the natural character of the landscape, the availability of resources, and the protection of sensitive and vulnerable areas or resources.

Increased public pressure to coastal areas resulting in increased infrastructure pressure, such as the provision of public toilets and camping grounds, an increase in rubbish being dumped in sacred and sensitive areas, building activity for tourism development, increased risk of sewage discharge to the coastal marine environment; and loss of access to culturally significant sites in the coastal marine area.

Lack of Information to Inform Coastal Management

There is a lack of monitoring information (including use of customary indicators) to inform about the impacts of activities in the coastal environment. Information about the abundance and health of customary species is also often limited, as well as knowledge about the relationship between

species, including introduced species. Information that is available may not be accurate or readily available.

Desired Outcomes

Recognition of the role of tangata whenua as rangatira and kaitiaki of nga taonga tuku iho.

Tangata whenua, as kaitiaki, will be effective in ensuring that the mauri or essential life principle of the natural world within the rohe is maintained and enhanced.

The coastal marine environment is managed in an integrated way, recognising the interconnected nature of water environments, and inland areas with the coastal environments.

Water bodies are managed with particular regard to protecting the mauri of wai.

The integrity of the coastal marine habitat, inclusive of saltwater wetlands and the coastal riparian habitat, which forms the coastal marine ecosystem, will be a priority outcome for the community and all the managers of the rohe.

The foreshore and seabed, coastal waters, mahinga kai and kaimoana are protected from developments which are incompatible with tangata whenua cultural values.

Water is protected from being used as a medium for transporting and treating waste and waste water is treated to the highest standard possible before being discharged to land.

Maintenance or enhancement of water quality in the coastal marine area at a level that enables the gathering or cultivating of shellfish for human consumption.

Mahinga kai (food gathering) populations and associated habitats are healthy and able to provide sustenance to tangata whenua.

The mauri of the coastal marine resources will be sustained in perpetuity, and traditional practices and iwi aspirations will be realised.

Increased opportunities for tangata whenua to practice customs and traditions associated with the uri (descendants) of Tangaroa, including access to culturally important mahinga kai.

Structures within the coastal environment are of sound construction and compatible with the natural character of the area.

Mining operations within or adjacent to the coastal environment do not compromise the mauri of coastal waters and ecosystems, and nursery and spawning areas are protected from mining and extraction activities.

Culturally sensitive coastal marine environments are protected from the adverse effects of commercial surface water activities.

Marine and coastal bird nesting and feeding areas are protected from developments in marine coastal areas.

Cultural heritage sites are protected.