

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

**Chapter 8:
Margins of Rivers, Lakes, Wetlands
and the Coast**

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Note: This report does not include consideration of the latest requirements in the National Policy Statement for Freshwater Management, National Environmental Standard for Freshwater, or National Regulations for Stock Exclusion gazetted in August 2020.

Acronyms

CE / CEA	Coastal Environment / Coastal Environment Area
DOC	Department of Conservation
ECD	Environment Court Decision
FENZ	Fire and Emergency New Zealand
GIS	Geographic Information System
LiDAR	Light Detection and Ranging - technology that provides detailed contour data
LTP	Long Term Plan
MagiQ-BI/NCS	Two related Council information systems - used to manage data, including for resource consents and service requests, including complaints.
MHWS	Mean High Water Springs
NCC	Nelson City Council
NES	National Environmental Standards
NES-SW	National Environmental Standards for Stormwater
NES-DW	National Environmental Standards for Sources of Human Drinking Water
NPS	National Policy Statement
NPStds	National Planning Standards
NZCPS	New Zealand Coastal Policy Statement
PC##	Plan Change ##, e.g. Plan Change 66
REG-SE	Regulations on Stock Exclusion
RLMS	Riparian Land Management Strategy
RMA	Resource Management Act
RPS	Tasman Regional Policy Statement
TEP	Tasman Environment Plan
TRMP	Tasman Resource Management Plan

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Executive Summary

This report reviews the efficiency and effectiveness of the provisions in Chapter 8 – Margins of Rivers, Lakes, Wetlands and the Coast - in the Tasman Resource Management Plan. It concludes the provisions in this chapter and their implementation through rules and non-regulatory methods largely require full review as part of the Tasman Environmental Plan (TEP) review process. The key reasons for this are to: fully implement the NZ Coastal Policy Statement and National Policy Statement for Freshwater Management; improve integrated management of waterbodies and their margins, including alignment across the district and regional plans; and adequately recognize and provide for the preservation of natural character and the maintenance and enhancement of public access as matters of national importance.

This report should be read in conjunction with the Chapter 21 evaluation report which also covers natural character and public access in the coastal marine area.

Intent of Chapter 8

The objective and policies in Chapter 8 reflect two matters of national importance in Section 6 of the Resource Management Act (RMA):

(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,

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.

Council must recognise and provide for these matters and as such the intent of the objectives and policy sets in Chapter 8 should be retained.

Information Basis for Review

Plan efficiency and effectiveness has been difficult to assess for the objectives in Chapter 8 due a lack of quantifiable information on outcomes in margin areas, and the scattered nature of related provisions and rules throughout the TRMP, each with differing drivers. Information specifically regarding natural character and public access is not readily obtainable for the specific context of Chapter 8. In particular, the Key Performance Indicators listed in this Chapter have not been specifically monitored and it has been difficult to extract meaningful information from Council's information systems. For the most part, the review and conclusions reached for this chapter have been based on the policy mapping (ie the linkages between the issues/objectives/policies and the rules and other methods that implement them), key staff feedback, and qualitative information on environmental outcomes observed.

Overview of Chapter 8 Effectiveness

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

comprehensive protection and enhancement of natural character of water body margins for its own intrinsic value and importance in waterbody health and function.

The Chapter 8 topics have the potential to play a key role in the integrated management of waterbodies and riparian margins across both regional and territorial functions of council, however the current policy set, particularly for natural character, is muddled in its scope and lacks sufficient direction to ensure the objectives are met.

For example, the setback rules don't address the intent of the objective in Chapter 8, instead the rules implement objectives in other chapters of the TRMP which focus more on protection of assets than natural character of waterbody margins.

The public access provisions do not provide sufficient clarity or directive policies; and have not been updated to reflect recent legislation affecting public access.

To some extent, this reflects a national picture of multiple and conflicting legislative directives for Council relating to waterbody margins and access. There are also significant gaps in relation to giving effect to national policy statements, and iwi values and interests.

There is only limited quantifiable information available on the implementation achieved by the non-regulatory methods identified in Chapter 8, and most methods have been assessed as only partially achieving the desired outcomes (refer Appendix 7). This likely reflects a lack of a linkage to Long Term Planning processes to obtain sufficient funding to implement non-regulatory methods defined in the TRMP. There has also been inconsistent use of overarching strategy documents to inform information gathering and priorities for Council activities. This has led to an ad hoc approach to addressing the outcomes sought in Chapter 8.

Despite the muddled policy direction and inconsistent implementation, some successes have been achieved around a number of waterbody margins, largely due to processes undertaken outside of the TRMP, and through individual landowner and community group actions.

Achievement of the Public Access Objective

Public access works most effectively when margin areas are in public ownership or there is a clear legal mechanism for long term enabling of public access (e.g. an easement). As such, the acquisition of esplanade reserves and strips provides an effective and efficient method to achieve public ownership and subsequent public access to river, lake, and coastal margin areas. However, it is a slow process that is dependent on subdivision occurring, and is most effective with subdivided lots less than 4 hectares in size, as there is no land purchase cost. For rivers, esplanade requirements only apply to those greater than 3 metres in width, for lakes it only applies to those of 8 hectares or more, and it does not apply to wetlands.

The potential for increased closure of zones near waterbodies to avoid natural hazards may also reduce the extent of subdivision occurring in these areas, with a subsequent reduction in the effectiveness of the esplanade and strip acquisition process.

The land acquisition process is influenced both positively and negatively by the zoning in the TRMP. Zoning that enables subdivision below 4 hectares supports esplanade acquisition at low cost to the community. However, for land above 4 hectares in size, the zoning influences the valuation of land, and zones that suggest development potential (regardless of actual development potential) result in higher prices payable for margin land. Consideration of zoning that better reflects actual development potential or constraints in margin areas is recommended. This would also help address

the perception that zoned land is always suitable for the zone purposes, and potentially assist in hazard avoidance by keeping assets out of margin areas.

Public access is addressed in numerous other parts of the TRMP, in particular Chapter 14 (reserves and open space), and Chapter 21 (effects on coastal values). However the focus in these chapters tends to be on recreational access, and this is unlikely to fully address access to water body margins for other reasons, in particular Te Tau Ihu desire for access to valued mahinga kai (food gathering) sites.

Previously, the Riparian Land Management Strategy (RLMS) identified priorities for public access provision to margin areas, however this document was developed in 2001 and requires review and extension to cover other public access needs. Staff have identified a lack of an overarching strategy that prioritises sites in margin areas, and it is unclear if the RLMS has been used to inform decisions made for acquisition of margin land since its development. While the lack of an up-to-date strategy is not considered a current issue by staff in implementing the public access requirements from a reserves and open space viewpoint, the process is very staff dependent and a revised strategic document may help provide greater direction and consistency for improving public access for other access reasons.

Complaints around public access generally occur where routes historically used by the public are closed off following changes in private land ownership and where there are no legal instruments protecting ongoing public access. In particular this occurs where disagreements arise over public access along unformed legal roads.

Achievement of the Natural Character Objective

Environmental assessments suggest that outside of the conservation estate, the objective for retention of natural character, particularly for rivers, is not being met and in some cases natural character has been severely degraded (refer section 3.8.3).

The wide range of policy scope associated with the natural character objective (8.2.2) confuses the intent of this section. Some policies seek to protect waterbody margins or margin elements from adverse effects, while others seek to protect aspects wider in scope than waterbody margins, including landscapes, seascapes and cultural and historic sites. The range of rules identified further muddle the intent of the chapter both widening and reducing the scope of aspects addressed through the policies¹. There are also policies in this chapter that support the Coastal Environment Area rules in Chapter 18.11, but there are no comparable rules for freshwater body margins.

The natural character objective (8.2.2) of Chapter 8 is partially met through the process of Council acquiring esplanade reserves and strips upon subdivision. As waterbody margins come into public ownership or administration through this and other mechanisms, Council is able to direct waterbody margin management to meet the objectives for natural character among other desired outcomes. However, while key rules in Chapter 16.4 direct the esplanade process, the effectiveness of this approach is dependent on decisions made during consent application assessments that are guided

¹ For example, reference to avoiding effects in the coastal environment and coastal risk areas is arguably wider than the margin areas which are the focus of the chapter, and the regulatory method reference to rules in the coastal environment for refuse disposal and hazardous substances, which reduces the scope of this topic to coastal areas while the policy also references rivers, lakes and wetlands.

by the Open Space Strategy and other related documents². These documents have other priorities, such as recreation and protection of conservation values, which staff highlight is different from natural character. Natural character covers a wider set of elements than those listed in Section 229 of the RMA (purposes of esplanade reserves and strips), which drives the focus for acquisition of esplanade reserves and strips.

For waterbody margins in private ownership there are no zone rules within the TRMP with strong linkages to implement the policies in Chapter 8, with the reasons for the rules being focused on protection of building and structures from natural hazards, rather than for preservation of natural character. Linkages, corridors and other concepts that relate to interconnectedness of riparian margins and their multifunctional values, including stormwater management and biodiversity, are inconsistently – if at all - represented in the rules (Leusink-Sladen, 2019).

This means observed outcomes are not being driven by the policy framework in Chapter 8. Where there are rules, they only indirectly and inconsistently protect natural character (or elements of natural character) of waterbody margins by generally seeking to control the effects of buildings, some specific activities, and land disturbance within some margin areas.

While there are numerous provisions throughout the TRMP – particularly the regional parts - seeking protection and enhancement of natural character, or elements of natural character, staff have identified that in terms of environmental outcomes, there are examples of both good and poor practice activities occurring within waterbody margin areas.

In the majority of situations where good outcomes are occurring, staff highlight that this has resulted from mechanisms outside of the TRMP, including actions by Council, iwi, community interest groups and individual landowners to enhance the natural character of water body margins. This work is sometimes supported through Council funding subsidies, such as the fencing and catchment enhancement funds. In addition, Council and private work in the pest management space also supports the preservation of natural character elements.

Conversely, in those situations where poor practice is occurring (for example cultivation or buildings too close to waterbodies, or riparian vegetation removal), this is often due to a lack of clear rules and supporting policies to enable control and enforcement for these activities that is specifically for the purpose of natural character protection or enhancement. In particular, there are inadequate and inconsistent setbacks for buildings and activities in waterbody margin areas across different water body types and in different land use zones (refer Appendix 0). The lack of clear framework direction has put margin areas under pressure from development and inappropriate activities that degrade natural character or inhibit its enhancement. In addition, there is inconsistent integration with Part 4 of the TRMP in managing activities in the riparian margins and on land adjacent to waterbodies that have adverse impacts on natural character, including water quality.

In addition, the degradation of the natural character of waterbody margins is often due to historic vegetation losses and physical changes, for example channel straightening or erosion protection structures. Improvement of this aspect is dependent largely on non-regulatory approaches to promote and support the restoration of indigenous vegetation and both riparian form and function. There are no rules requiring enhancement, and it is unclear if the rule framework sufficiently

² Refer to Figure 1 on page 6 of the TDC Reserve General Policies 2015 for linkages with other relevant documents, however it does not appear that the Riparian Land Management Strategy is one of the documents used to inform this.

supports these activities to actively encourage enhancement of natural character in waterbody margins.

Implementation of National Instruments

There are significant drivers for the management of natural character and the integrated management of waterbodies and their margins in the objectives and policies of the National Policy Statement for Freshwater (NPS-FM, 2017) and the NZ Coastal Policy Statement (NZCPS, 2010). To date, neither of these instruments have been fully implemented in the TRMP and this is intended to be addressed during the Tasman Environment Plan (TEP) review process.

In particular, the NPS-FM requires Council to safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and the health of people and communities, as affected by contact with fresh water. It also identifies Ecosystem Health of water as a compulsory national value. The proposed 2020 amendments to the NPS-FM are likely to strengthen requirements further, with policies that require freshwater management to give effect to Te Mana O Te Wai, and that freshwater is managed in an integrated way that considers the use and development of land on a whole-of-catchment basis (Ki Uta, Ki Tai).

The proposed changes are anticipated to have significant implications for management of waterbody margins, particularly from a habitat perspective and protection and enhancement of natural character. However, the proposed 2020 amendments do not fully address biodiversity concerns which are anticipated to be addressed over time, given the exclusion of freshwater environments from the draft NPS for Indigenous Biodiversity.

In addition, the TEP will need to be consistent with requirements in the National Planning Standards (NPStds) which have specified chapters for public access and natural character, including waterbody margins. This will require careful consideration to determine how the policies in Chapter 8 should be separated and the need for further objectives to provide a coherent and integrated framework in the new structure.

Recommendations

Overall Recommendations

Overall, the policy framework in Chapter 8 and across the TRMP for public access and natural character would be significantly strengthened by including clearer intent and direction; and improving clarity and language.

Key recommendations for the overall framework are:

1. Clarify the scope of the chapter and cross-references in the wider framework

- The scope of the chapter and definition of ‘margin’ is unclear – the title and objectives relate to ‘margins’ of rivers, lakes, wetlands and the coast, however the policies refer to application and control of adverse effects in various other areas, not just margins³.
- Review the application of the provisions to all waterbodies as the policies and rules introduce aspects that limit their application to only specific waterbody types or sizes⁴ creating an inconsistent approach and outcomes.
- Clarify the application of the framework to both territorial and regional functions. Currently Chapter 8 is defined as a district plan provision set, however the policy set (particularly for the natural character Objective 8.2.2) covers a number of topics that extend the margins of waterbodies, beyond the natural character scope, and into areas of regional authority control without any clear cross-linkage to regional policy or rule sets (eg policy 8.2.3.10).
- Review the language and terms used in the issues, objectives and policies for this chapter (in context of the Regional Policy Statement review and other related chapter provisions) to ensure clarity of where and when the provisions apply and consistency with the RMA matters of national importance and applicable national instruments (ie NZCPS and NPS-FM). Currently the scope of the issue, objectives and policies sections are inconsistent and limiting (refer sections 0 and 0).
- For ease of use and clarity, investigate restructuring of the chapter to provide a separate objectives/policy/rule set for coastal margins (and other coastal environment areas as needed) from other water body margins. For example, defining several overlay areas for management of different aspects of the coastal environment, including margins with separate objective/policy/rule sets, including structural requirements under the NPStds.
- Investigate the amalgamation of similar policies to reduce overall number, without affecting intent and implementation (eg policies 8.2.3.13 and 14).

³ For example a wide variety of terms are used in the framework for application to the coast, including coastal environment, the coast, the coastal marine area, Waimea Inlet, Coastal Tasman Area, coastal land, coastal areas, the foreshore, beaches, the sea, and within 200m of Mean High Water Springs. In addition, policy 8.1.3.7 refers to public access to ONF and ONL, policy 8.2.3.9 refers to the Coastal Tasman Area and Waimea Inlet, policy 8.2.3.16 refers to coastal landscapes and seascapes, and policy 8.2.3.19 refers to foreshore and beaches.

⁴ For example rules implementing the policies in rivers and lakes introduce size restrictions (eg greater than 3m width for rivers) that limit achievement of the policies and objectives, and wetlands are often left out of rule application.

2. Provide greater direction on the intent of framework

- Review the direction and prioritisation signaled in the policies. Policies and their implementing rules should clearly define activities or effects that are appropriate or inappropriate in waterbody margin areas regarding preservation of natural character and provision of public access.
- Review the concept and implementation of riparian maintenance and enhancement which is weakly connected to rules that give effect to the policies.

3. Implement relevant national instruments

- The framework does not adequately reflect the NZ Coastal Policy Statement or the National Policy Statement for Freshwater Management, including Te Mana O Te Wai. There are also likely to be significant changes arising from the proposed amendments to the NPS-FM in 2020.

4. Better reflect the expectations and aspirations of iwi

- Review the chapter to take better account of existing and new planning documents recognized by iwi authorities, including iwi environmental management plans;
- The policy and rule framework is unlikely to meet iwi expectations regarding waterbody protection and access to sites of importance to iwi, such as cultural sites or valued mahinga kai (food gathering sites).

5. Improve the integrated management of waterbodies

- The scope of this chapter needs careful integration across other TRMP policy chapters. The topics covered in Chapter 8 provide a good opportunity for integrated management of water bodies, taking into consideration associated outcomes and methods within the other policy chapters that reference public access and natural character or manage elements that influence riparian health and function. Currently the policy framework and rules are siloed and as such may not represent the most efficient means to achieve the combined objectives, particularly with respect to strategic acquisition of margins and river management.
- Consider the chapter scope in relation to freshwater management, biodiversity, stormwater management and multifunctional nature of reserves containing waterbodies: The chapter seems deficient in connecting all of the issues associated with riparian margins and all of these related concepts.
- Consider more appropriate zoning of margin land to reflect the development restrictions and constraints in these areas - for both preservation of natural character elements, including natural processes and margin habitat, and management of significant risks from natural hazards associated with margin areas.
- Investigate - as a mechanism for integrated management - the use of a water body margin precinct or overlay (under the NPStds) to address issues specific to the protection of water body margin values across all zones and including all relevant TRMP objectives (covering public access, natural character, historic and cultural sites, disturbance/vegetation removal, etc), with clear rules including consistent setback requirements for all water body types.

6. Clarify and strengthen implementation through rules

- Improve the consistency of protections and controls provided across the differing water body types for both private and publicly owned land. For example, setback controls do not appear strongly linked to providing coherent and consistent protection to all waterbody margin areas in all zones.

7. Clarify and strengthen implementation through non-regulatory methods

- Review the non-regulatory methods identified to implement the objectives to ensure they are appropriate and achievable.
- Review how non-regulatory methods are funded, monitored and assessed to ensure they are undertaken in a manner that helps achieve the objectives and outcomes sought.
- Review the role of the Riparian Land Management Strategy and Open Space Strategy in identifying priorities for water body margins that reflect all outcomes, and update the Riparian Land Management Strategy as needed.

Specific Provision Recommendations

The recommendations in Table 1 and Table 2 provide a summarised assessment of the effectiveness and efficiency of the specific Chapter 8 provisions. It considers if there is a need for change in the objective and policy framework and is intended to inform the review of the TRMP.

The recommendations are categorised into:

- **Review:** includes partial or whole-scale review of the intent, scope and language used in the provision
- **Retain (with updates):** retention of the intent of the provision, but update of the scope and/or language used in the provision
- **Retain (unchanged):** retention of the provision largely as is. May include some minor update to language as needed.
- **Remove:** provision is considered unnecessary and should be removed from the policy set. (Note provisions that should be removed from the chapter policy set, but relocated to another policy set elsewhere in the TRMP are assigned to the 'review' category)

provides a visual summary of the recommended changes for Chapter 8.

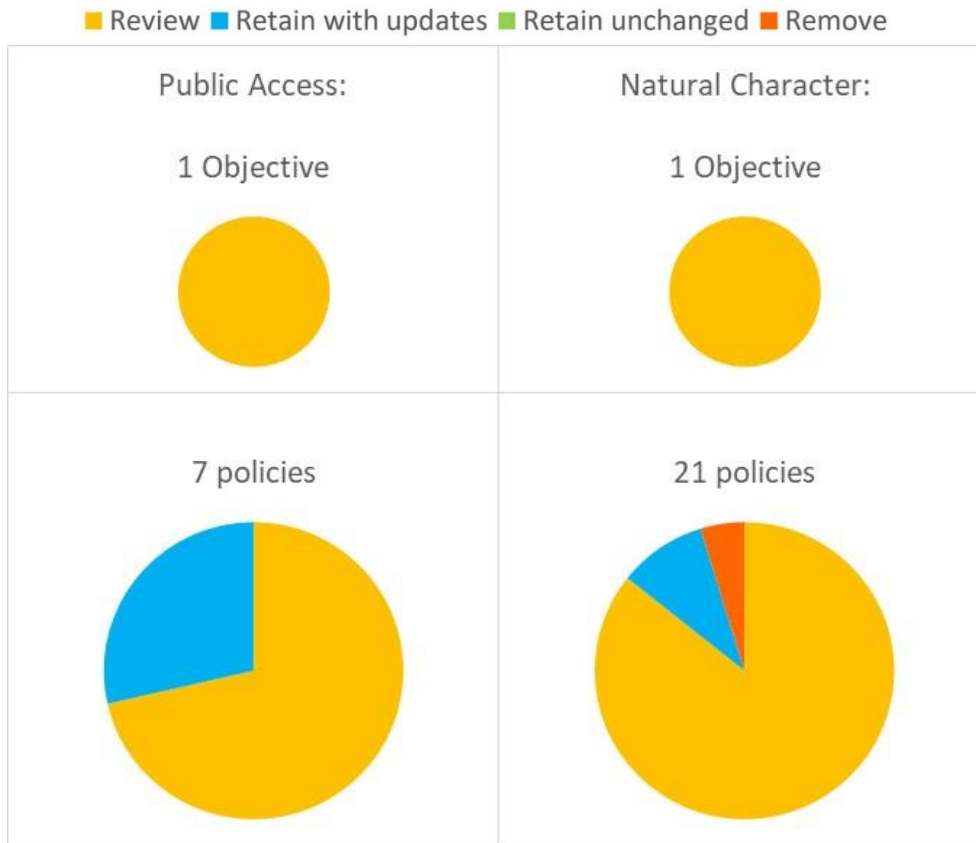


Figure 1: Visual summary of recommended change to objectives and policies in Chapter 8

Table 1: Summary of Provision Specific Recommendations – Public Access

Table Note: Freshwater bodies are highlighted in green text, coastal in blue text, ambiguous in orange text.

No.	Objective/Policy	Recommendations
Public Access		
Obj. 8.1.2	<i>The maintenance and enhancement of public access to and along the margins of lakes, rivers, wetlands and the coast, which are of recreational value to the public</i>	Review: This objective largely reflects council’s obligations under the RMA for maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers. However review the need for the qualifier that sites are of ‘recreation value’, as this may not provide for iwi and community interests that are not recreational, including access to mahinga kai and culturally important sites.
Policy 8.1.3.1	<i>To maintain and enhance public access to and along the margins of water bodies and the coast while avoiding, remedying or mitigating adverse effects on other resources or values, including: indigenous vegetation and habitat; public health, safety, security and infrastructure; cultural values; and use of adjoining</i>	Review: Retain intent, but address Avoid-Remedy-Mitigate approach to provide clearer guidance for consent assessment.

No.	Objective/Policy	Recommendations
	<i>private land.</i>	
Policy 8.1.3.2	<i>Notwithstanding Policy 8.1.3.1, public access by way of esplanade requirements will not be sought in areas where risks to public health and safety cannot be avoided, remedied or mitigated; or in areas where it is necessary to maintain security, consistent with the purpose of any resource consent, such as operational port areas.</i>	Review: Retain intent, but address Avoid-Remedy-Mitigate approach to provide clearer guidance for consent assessment
Policy 8.1.3.3	<i>To avoid, remedy, or mitigate the adverse effects on public access caused by structures, buildings, and activities in or adjoining water bodies or the coastal marine area.</i>	Review: Retain intent, but address Avoid-Remedy-Mitigate approach to provide clearer guidance for consent assessment.
Policy 8.1.3.4	<i>To set aside or create an esplanade reserve, esplanade strip or access strip at the time of subdivision of land adjoining water bodies or the coastal marine area, where there is a priority for public access.</i>	Retain with updates: Review need for reference to ‘priority’ and remove or investigate means to ensure this is easily implemented for all public access purposes.
Policy 8.1.3.5	<i>To seek public access linkages between reserves and public access adjoining water bodies or the coastal marine area in the vicinity.</i>	Retain with updates: Review need to define ‘vicinity’ for ease of use and confirm need for this policy to support subdivision design processes
Policy 8.1.3.6	<i>To retain the public access resource provided by unformed legal roads where there is a need for public access to or along water bodies or the coast, converting those unformed roads to reserves where vehicle access is inappropriate or cannot meet the standards prescribed in the Plan and where agreement is reached with the adjoining land occupier.</i>	Review: Clarify intent and implementation mechanism for this policy. The complaints database entries suggest loss of public access (including pedestrian access) on legal unformed roads is a concern for the community at some locations, and it is unclear if the conversion to reserves is occurring.
Policy 8.1.3.7	<i>To ensure that adequate public access is available to outstanding natural features and landscapes in the coastal environment or the margins of lakes, rivers or wetlands, except where the impact of such access is incompatible with the duty to protect these areas or access across private land cannot be negotiated.</i>	Review: Clarify intent of this policy with respect to provisions in Chapter 9 and consider most appropriate location for this policy.

Table 2: Summary of Provision Specific Recommendations – Natural Character

Table Note: Freshwater bodies are highlighted in **green text**, coastal in **blue text**, ambiguous in **orange text**.

Natural Character		
Obj. 8.2.2	<i>Maintenance and enhancement of the natural character of the margins of lakes, rivers, wetland and the coast, and the protection of that character from adverse effects of the subdivision, use, development or maintenance of land or other resources, including effects on landform, vegetation, habitats, ecosystems and natural processes.</i>	Review: Review with regard to NZCPS and NPS-FM and Te Mana O Te Wai, and other plan objectives to ensure integrated management of water bodies and their margins. Provide clear direction on inappropriate use and development in margin areas.
Policy 8.2.3.1	<i>To maintain and enhance riparian vegetation, particularly indigenous vegetation, as an element of the natural character and functioning of lakes, rivers, the coast and their margins.</i>	Review: Investigate amendments to this policy that fully recognize the importance of riparian vegetation to waterbody ecosystem health and other values of water, and provide more directive guidance to support implementation via rules or other methods.
Policy 8.2.3.2	<i>To control the destruction or removal of indigenous vegetation on the margins of lakes, rivers, wetlands and the coast.</i>	Review: Consider inclusion of an avoidance policy to provide clear direction to protect indigenous vegetation. Consider further controls of the destruction or removal of any vegetation (ie non indigenous) that provides shading and habitat values to water body health.
Policy 8.2.3.3	<i>To avoid, remedy or mitigate adverse effects of land management practices on the margins of water bodies, including wetlands.</i>	Review: Retain intent, but address Avoid-Remedy-Mitigate approach to provide clearer guidance for consent assessment.
Policy 8.2.3.4	<i>[PC3] To avoid, remedy or mitigate adverse effects of buildings or land disturbance on the natural character, landscape character and amenity values of the margins of lakes, rivers, wetlands or the coast.</i>	Review: Retain intent for natural character, but clarify scope of chapter with reference to landscape character and amenity values (ie NZCPS policy 1), and address Avoid-Remedy-Mitigate approach to provide clearer guidance for consent assessment. Withdraw PC3 upon TEP notification.
Policy 8.2.3.5	<i>To set aside or create an esplanade reserve, esplanade strip or access strip at the time of subdivision of land adjoining water bodies or the coastal marine area, where there is a priority to protect the natural character of those margins.</i>	Review: Retain intent, but review need for reference to ‘priority’ and remove or investigate means to ensure this is easily implemented – with changes under the NPS-FM and Te Mana O Te Wai, the retention of natural character will likely be a priority on all waterbodies, and this should be reflected in the Riparian Land Management Strategy or Open Space Strategy that provides the criteria for acquisition of reserves.
Policy 8.2.3.6	<i>To adopt a cautious approach in decisions affecting the margins of lakes, rivers and wetlands, and the coastal environment, when there is uncertainty about the likely effects of an activity.</i>	Remove: This is a process policy and it can be expected that a cautious approach will be taken for any council decisions where there is uncertainty of effects.

Policy 8.2.3.7	<i>[PC3] To ensure that the subdivision, use or development of land is managed in a way that avoids where practicable, and otherwise remedies or mitigates any adverse effects, including cumulative effects, on the natural character, landscape character and amenity values of the coastal environment and the margins of lakes, rivers and wetlands.</i>	Review: Retain intent for natural character, but clarify scope of chapter with reference to landscape character and amenity values (ie NZCPS policy 1). Clarify application to coastal environment, as oppose to coastal margins and review chapter scope. Address 'Avoid where practicable' approach to provide clearer guidance for consent assessment. Consider amalgamation with policy 8.2.3.4. Withdraw PC3 upon TEP notification.
Policy 8.2.3.8	<i>To preserve natural character of the coastal environment by avoiding sprawling or sporadic subdivision, use or development</i>	Retain with updates: Retain intent, but clarify language for 'sprawling and sporadic' (NZCPS Policy 6). Clarify application to coastal environment as oppose to coastal margins and review chapter scope.
Policy 8.2.3.9	<i>To ensure that the nationally and internationally significant ecological values of the Waimea Inlet are protected by avoiding, remedying or mitigating adverse effects, including cumulative effects, of subdivision, use or development in the Coastal Tasman Area.</i>	Review: Retain intent, but clarify application to Waimea Inlet and Coastal Tasman Area, and consideration of other coastal margins and Tasman estuaries. Address Avoid-Remedy-Mitigate approach to provide clearer guidance for consent assessment.
Policy 8.2.3.10	<i>To ensure that where subdivision, use or development are limited in order to maintain the open space or natural character of coastal land, complementary limits are applied to the use or development of adjoining foreshore and sea.</i>	Review: Clarify intent and consider rewording to provide clearer direction (do we mean avoid?). Clarify application to open space and coastal land vs margins and provide linkage to regional plans regarding application in the foreshore and sea.
Policy 8.2.3.11	<i>To maintain or acquire reserves of at least 20 metres width along the coastline of the District, for natural character, ecological or public access purposes, particularly along estuary margins, dunes, sandspits and cliffs.</i>	Retain with updates: Retain intent as this provides guidance for acquisition of reserves under rule set 16.3, and 16.4 (for sites greater than 4ha) and widens scope beyond that listed in Sec 229 of the RMA for esplanade reserves and strips. It also provides for other mechanisms to acquire this should subdivision not be possible. Consider if the scope provides sufficient direction for priorities and for all waterbody types.
Policy 8.2.3.12	<i>To enable the maintenance of physical resources for the well-being of the community, where those resources are located in riparian or coastal margins, subject to the avoidance, remedying or mitigation of adverse effects on the environment.</i>	Review: Clarify definition of 'maintenance' and 'physical resources' in this context (ie. under NZCPS Policy 1 (2i)). Address Avoid-Remedy-Mitigate approach to provide clearer guidance for consent assessment. Clarify intent with respect to objective, and scope of existing versus new resources located in margin areas and need for location of resources in margin areas.
Policy 8.2.3.13	<i>To avoid, where practicable, facilities for the storage of hazardous substances within 200 metres of the mean high water springs, or of any lake, river or wetland.</i>	Review: Review with respect to 2017 RMA changes to regional functions for hazardous substances. Remove reference to 'where practicable' to provide clearer guidance for consent assessment (apply the principles of King Salmon decision - avoid means avoid). Clarify application to 200m from coast and waterbodies – this may be considered wider than their 'margins' and may

		cumulatively exclude large tracks of land (which may be reasonable to ensure protection).
Policy 8.2.3.14	<i>To avoid the disposal of refuse within 200 metres of the mean high water springs, or of any lake, river or wetland.</i>	Review: Clarify application to 200m from coast and waterbodies – this may be considered wider than their ‘margins’ and may cumulatively exclude large tracks of land (which may be reasonable). Consider amalgamation with policy 13 if similar wording used.
Policy 8.2.3.15	<i>To limit the potential for the spread of fire in or to areas of natural character in the coastal environment and on the margins of lakes, rivers and wetlands.</i>	Review: Clarify the mechanism for this policy (ie. how is it achieved?). Clarify application to “areas of natural character” rather than margins of waterbodies, as all areas have natural character (albeit of different levels of naturalness). This aspect should be included as a consideration in investigating consistent setbacks of structures and buildings from waterbodies. [This policy has also been assessed in the Chapter 13 Natural Hazards Sec 35 report which recommends: ‘Review – intent of policy could be included in an overarching and consolidated suite of natural hazard policies.’]
Policy 8.2.3.16	<i>To manage the location and design of all future buildings in the coastal environment to ensure they do not adversely affect coastal landscapes or seascapes.</i>	Review: Review language including use of ‘future’. Clarify application to coastal environment rather than coastal margin and effects on coast landscapes and seascapes rather than natural character and review chapter scope in light of NZCPS (eg policy 15). Consider if this should sit in other chapters or whether this should be part of a separate objective/policy set supporting the CEA rule set.
Policy 8.2.3.17	<i>To pursue and encourage restoration and enhancement of coastal and riparian areas where natural character has been degraded by past human activities.</i>	Review: Retain intent but clarify the reference to degradation being due to past human activities, as degradation can be driven indirectly (eg land use preventing natural migration of margin habitat) and by both historic and current activities. Review reference to riparian areas versus margins and ensure integration with regional parts of the TRMP. Review implementation of this policy through methods and enabling of restoration and enhancement in rule sets.
Policy 8.2.3.18	<i>To avoid, remedy or mitigate adverse effects on natural coastal processes of the subdivision, use or development of land, taking account of sea-level rise.</i>	Review: Retain intent, but address Avoid-Remedy-Mitigate approach to provide clearer guidance for consent assessment. [This policy has also been assessed in the Chapter 13 Natural Hazards Sec 35 report which recommends: ‘Review – retain intent of policy. Consider including intent as part of an overarching and consolidated suite of natural hazard policies.’ However there are clear differences between protection of coastal processes as an element of natural character preservation versus for management of natural hazards. These differences need to be considered in the review and intent of this policy and in the context of both aspects being RMA sec 6 matters.]

Policy 8.2.3.19	<i>To avoid, remedy or mitigate adverse effects of vehicle access on foreshore, beaches and estuary margins.</i>	Review: Clarify application to foreshore and beaches. This may be appropriate regionally to achieve integration and implementation of NZCPS policy 20, but does not readily fit with the current chapter context. Address Avoid-Remedy-Mitigate approach to provide clearer guidance for consent assessment
Policy 8.2.3.20	<i>To ensure that where erosion protection works are deemed to be necessary to protect existing settlements or structures that these are designed as much as possible to harmonise with the natural character of the coastline, river bank or lake shore.</i>	Review: Retain intent, but ensure language is consistent with the NZCPS (ie policy 27) regarding ‘significant existing development’. Address apparent conflict with policy 8.2.3.18 and provide clearer direction on prioritisation between <u>preservation</u> of natural character, and management of <u>significant</u> risks from natural hazards (both matters under sec 6 RMA). [This policy has also been assessed in the Chapter 13 Natural Hazards Sec 35 report which recommends: ‘Review – the intent of the policy is strong, however the supporting rule framework should be strengthened to address current issues with permitted activity coastal protection structures, as the line of sight between policy and rule framework/activity status is ineffective.’]
Policy 8.2.3.21	<i>To protect historic and cultural sites in riparian margins and the coastal environment.</i>	Review: Review location of policy with regard to chapter 10 and RMA use of ‘historic heritage’. Clarify application to coastal environment rather than coastal margin. Greater direction and clarity could be provided by expanding on what sites are protected from – ie activities in the margin or natural processes.

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 District Plan Provisions Reviewed

Chapter 8 of the TRMP addresses two issues (8.1.1 and 8.2.1) regarding public access and natural character (and natural values) associated with the margins of waterbodies:

- **Issue 8.1.1** *Provision and enhancement of public access to and along the margins of lakes, rivers, wetlands⁵ and the coast, for current and future needs of residents and visitors to the District.*
 - **Objective 8.1.2** *The maintenance and enhancement of public access to and along the margins of lakes, rivers, wetlands and the coast, which are of recreational value to the public.*
- **Issue 8.2.1** [summarised] seeks the preservation of natural character and natural values, including aquatic habitats and water quality, noting this requires effective management of riparian margins and the coastal environment. Key activities adversely affecting waterbody margins include run-off, vegetation clearance, earthworks, built development and density, plant and animal pests, protection works, and infrastructure including roads and ports.
 - **Objective 8.2.1** *Maintenance and enhancement of the natural character of the margins of lakes, rivers, wetland and the coast, and the protection of that character from adverse effects of the subdivision, use, development or maintenance of land⁶ or other resources, including effects on landform, vegetation, habitats, ecosystems and natural processes.*

The following provisions have been reviewed as part of this evaluation:

Table 3: Provisions Reviewed in Evaluation

Chapter	Objective	Policies	Focus
8	8.1.2	8.1.3 (1-7)	Maintenance and enhancement of public access
8	8.2.2	8.2.3 (1-21)	Maintenance and enhancement of natural character

Given the overlap of the provisions in this chapter with other provisions in the TRMP (refer section 0), this report should be read in conjunction with the district plan efficiency and effectiveness assessments for Chapters 5, 6, 7, 9, 10, 12, and 14, and regional plan assessments for Chapters 21, 22, 23, 24, 27 30, 33 and 35.

2.1.1 Public Access - Section 8.1

The scope of policies regarding public access seek to maintain and enhance access while avoiding, remedying or mitigating adverse effects of that access and associated structures, on other values and uses (including outstanding natural features and landscapes in the coastal environment) and avoiding public health and safety issues.

⁵ The issue and objective both expand on RMA matter 6(d) to include public access to wetlands

⁶ Maintenance of land is additional to those aspects referenced in the RMA matter 6(a)

The policies support the use of esplanade reserves and strips and access strips at the time of subdivision, access provided by unformed legal roads, and seeking access linkages between reserves adjoining waterbody margins.

Definition of 'Access'

'Public access' is not specifically defined in the RMA or TRMP, however the TRMP defines 'access' as meaning: *"a practical permanent vehicular and pedestrian access from a formed road to a site over either:*

(a) land that is included within the site; or

(b) other land pursuant to an easement of right-of-way running with the land and appurtenant to the site."

2.1.2 Natural Character – Section 8.2

The scope of the policies regarding natural character (and natural values) cover a wide range of topics. They include aspects that are arguably outside the existing scope of Objective 8.2.2, and the territorial authority responsibilities covered by Part 2 of the TRMP (refer Appendix 0 and 0). This is likely reflective of its focus on an area that integrates land and water and its focus on natural character, which includes a wide range of elements (refer section 0).

The wide range of policy scope confuses the intent of this section given the more limited focus of the objective. Some policies seek to protect waterbody margins or specific aspects of margins from adverse effects, while others seek to protect aspects wider in scope than waterbody margins, including landscapes, seascapes and cultural and historic sites. The range of rules identified further muddle the intent of the chapter both widening and reducing the scope of aspects addressed through the policies⁷. There are also policies in this chapter that support the Coastal Environment Area rules in Chapter 18.11, but there are no comparable rules for freshwater body margins.

The range of topics covered in the policy set include:

- vegetation in margins
- impacts of land management practices on margins
- effects of buildings and land disturbance on margins
- use and acquisition of esplanade reserves, esplanade strips and access strips at subdivision and acquisition of reserves along the coast
- adopting a cautious approach to decisions affecting waterbody margins
- effects of subdivision use or development of land
- protection of the ecological values of the Waimea Inlet, including from development in the Coastal Tasman Area
- maintenance of physical resources within margins
- risk to margins including: storage of hazardous substances; disposal of refuse within 200m of margins; spread of fire
- impacts of buildings in the coastal environment on coastal landscapes and seascapes
- restoration of waterbody margins where these are degraded

⁷ For example, reference to avoiding effects in the coastal environment and coastal risk areas is arguably wider than the margin areas which are the focus of the chapter, and the regulatory method reference to rules in the coastal environment for refuse disposal and hazardous substances, which reduces the scope of this topic to coastal areas while the policy also references rivers, lakes and wetlands.

- adverse effects on natural coastal processes of subdivision, use or development of land, taking account of sea-level rise
- effects of vehicles on foreshore, beaches and estuary margins
- effects of erosion protection structures on natural character
- protection of historic and cultural sites in margins

Definition of ‘Natural Character’

Natural character is not defined in the RMA, however both the TRMP and the NZCPS provide definitions of natural character (refer Table 4). There appears to be an erroneous perception held by some (including staff) that natural character relates primarily to visual or amenity values, likely due to its frequent reference alongside terms such as landscape and amenity.

A comparable definition does not yet exist that is specific to the freshwater space (ie the NPS-FM), however section 27.6.1.1 of the TRMP provides a ‘workable definition’ for river environments (refer Appendix O) and it is anticipated that similar matters provided in the NZCPS would also be applicable to freshwater.

Table 4: TRMP and NZCPS Definitions of ‘Natural Character’

TRMP definition of ‘natural character’	NZCPS Policy 13 definition of ‘natural character’
<p><i>Natural character means:</i></p> <p><i>(a) landform, including natural features and patterns;</i></p> <p><i>(b) natural processes that create and modify landform;</i></p> <p><i>(c) indigenous plant and animal species present;</i></p> <p><i>(d) natural sounds;</i></p> <p><i>(e) natural water quality;</i></p> <p><i>(f) absence, or unobtrusiveness, of use and development;</i></p> <p><i>(g) expansive open space, especially where there is knowledge that undeveloped space is in public ownership; and, in particular, the sea.</i></p>	<p><i>[...] natural character is not the same as natural features and landscapes or amenity values and may include matters such as:</i></p> <p><i>a) natural elements, processes and patterns;</i></p> <p><i>b) biophysical, ecological, geological and geomorphological aspects;</i></p> <p><i>c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;</i></p> <p><i>d) the natural movement of water and sediment;</i></p> <p><i>e) the natural darkness of the night sky;</i></p> <p><i>f) places or areas that are wild or scenic;</i></p> <p><i>g) a range of natural character from pristine to modified; and</i></p> <p><i>h) experiential attributes, including the sounds and smell of the sea; and their context or setting.</i></p>

2.2 Timeframe of Evaluation

August – December 2019

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 on 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 a 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, 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. property and asset information, consenting and compliance database information, models).
- 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).

For this chapter much of the outcomes information has come from the rapid assessment discussions and other meetings with key staff. In terms of Council data, there is limited information available on the Key Performance Indicators or applicable resource consents. In particular, there is no field or keywords available in MagiQ-BI (ie NCS) that can be used to distinguish resource consents for esplanade reserves/strips issued under rule 16.4 of the TRMP from general subdivision consents. There is some limited information retrievable from MagiQ-BI on complaints which have been used to provide qualitative information on community concerns around public access and natural values of waterbodies.

There are no direct environmental outcome measures available for preservation of natural character of waterbody margins. However this is likely to change in the near future with new methods being developed for assessing waterbody characteristics at a regional or catchment level, including use of LIDAR to assess river sinuosity and vegetation cover⁸.

The table below summarises the data sources investigated.

Table 5: Sources of Data Investigated in Chapter 8 Assessment

⁸ Work by Environmental Information staff in conjunction with Morphem Ltd.

Data source/s:	Used	Details and Notes
TRMP review for overlaps	✓	Searches of pdf text version (update 62) using search terms “margin” (215 instances), “natural character” (186 instances) and “public access” (145 instances) and riparian (119 instances). Not all instances are in the relevant context.
Tasman GIS	✓	Visual review of esplanade reserve/strips types by water body type and zone (qualitative only)
Rapid Assessment	✓	Held 11 Nov 2019 with Ros Squire, Giles Griffith, Trevor James, and Bernard Symmons.
Councillor input	✓	Workshop was undertaken on the 8th July 2020
External reports (commissioned by Council)	✓	<ul style="list-style-type: none"> Tasman Resource Management Plan Policy Mapping (Leusink-Sladen, 2019) Legal Report for Section 35 TRMP Review (Tasman Law, 2019) Leathwick 2019 (Biodiversity ranking – for TDC) – information on river types and condition assessments
Council reports	✓	<ul style="list-style-type: none"> Open space strategy Riparian Land Management Strategy TDC Reserves Policies
Council records (MagicBR/NCS/databases)	✓ (limited results)	<ul style="list-style-type: none"> MagiQ queries for complaints and concerns relating to public access and waterbody margin management – using search terms: public/beach/river access and vehicle on beach; vegetation removal, native plants, plant removal, dunes, riparian. NCS does not include fields that can identify consent applications under rules in section 16.4 (esplanades upon subdivision)

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 8 July 2020 discussing key issues and recommendations identified for this chapter and other related freshwater chapters.

No additional issues were raised by Councillors at this workshop. However Councillor feedback noted that for issues where there were environmental concerns, there is typically a community need driving the activity creating the concern, and that these drivers should also be identified (for example, the need for quality aggregate and the concerns over sustainable gravel extraction limits). The report has been reviewed to reflect this feedback.

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 Legislation Context and Changes

3.1.1 Resource Management Act and National Instruments

The objective and policies in Chapter 8 reflect two matters of national importance in Section 6 of the Resource Management Act (RMA):

(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,

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.

Council must recognise and provide for these matters and as such the intent of the objectives and policy sets in Chapter 8 should be retained in the Tasman Environment Plan (TEP).

Council also undertakes functions in the margin of waterbodies that are influenced by the Reserves Act. The matters above are also echoed in section 3 (1c) of the Reserves Act 1977 which states: *“ensuring, as far as possible, the preservation of access for the public to and along the sea coast, its bays and inlets and offshore islands, lakeshores, and riverbanks, and fostering and promoting the preservation of the natural character of the coastal environment and of the margins of lakes and rivers and the protection of them from unnecessary subdivision and development.”*

A number of RMA amendments (and related legislation) have had an impact on the TRMP from the date it was notified (1996). Tasman Law’s Legal Report for Section 35 TRMP Review sets out the chronology of RMA changes as they relate to plan making since the TRMP was notified (Tasman Law 2019, p. 2).

3.1.2 National Instruments under the RMA

National policy statements and regulations under the RMA have been introduced and altered during the life of the TRMP. Of particular note are the NZ Coastal Policy Statement (NZCPS) and National Policy Statement for Freshwater Management (NPS-FM). Further regulations are anticipated in 2020 including an amendment to the NPS-FM, new National Environmental Standards for Freshwater (NES-FW), and regulations on stock exclusion (REG-SE) from waterbodies. In addition, proposed NES for stormwater (NES-SW), wastewater (NES-WW) and amendments to the NES for Sources of Human Drinking Water (NES-DW) may also influence future management of water and waterbodies.

Other national instruments may also indirectly influence pressures and management within waterbody margins (eg NPS on Urban Development Capacity, NPS for Renewable Energy, NES for Managing Contaminants in Soil to Protect Human Health).

The National Planning Standards (NPStds) will also influence the structure and location of Chapter 8 topics in the new Tasman Environment Plan (refer section 0).

NZ Coastal Policy Statement (NZCPS)

The NZCPS provides significant clarification around protection and definition of natural character in the coastal environment, in particular policies 13 and 14 provide specific direction to Council on the preservation and restoration of natural character. It also provides guidance on the definition of the coastal environment in Policy 1.

NZCPS Objective 2 and Policy 13 directly link to RMA matter of national importance 6a seeking preservation of the natural character of the coastal environment, and defines natural character in subclause 2 (refer section 0). NZCPS Policy 14 provides further direction in seeking restoration of the natural character of the coastal environment.

NZCPS Objective 4 reflects RMA matter 6d of national importance seeking the maintenance and enhancement of public walking access to and along the coastal marine area (without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area). NZCPS policies 18, 19 and 20 provides direction around public access for both walking and vehicular access.

The TRMP has yet to fully implement the NZCPS, and this will be a key driver of change in the review process for Chapter 8. Wording used in the NZCPS is apparent in the policy set 8.2.3, but this widened scope is not reflected in Objective 8.2.2. The lack of clarity around linkages, particularly with the regional parts of the plan, adds to the confusion around this chapter and what it is trying to achieve.

Implementation of the NZCPS has been influenced by a lack of detailed spatial definition of the coastal environment in the Tasman region and this is anticipated to be addressed in the TEP review. The TRMP narratively defines the 'coastal environment' as including the coastal marine area, land above the coastal margin that is affected by coastal processes, resources and issues, and all associated plants, animals, and structures. However this has not been defined in the planning maps, other than use of the 'Coastal Environment Area' as generally 200m landward from Mean High Water Springs, for which select rules apply regarding new buildings, building extensions and refuse disposal.

Particular matters for consideration in the TEP include: the spatial definition of 'coastal environment' for Tasman; assessing the nature character of the coastal environment and identifying areas of outstanding natural character; as well as reviewing the policy framework and rule activity status to implement the 'avoid' requirements of NZCPS Policy 13 1a and 1b.

National Policy Statement for Freshwater (NPS-FM)

The TRMP has yet to fully implement the NPS-FM 2014 (amended 2017).

The NPS-FM requires Council to safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and the health of people and communities, as affected by contact with fresh water. It also identifies Ecosystem Health of water as a compulsory national value.

The proposed 2020 amendments⁹ to the NPS-FM are likely to strengthen requirements further, with policies that require freshwater management to 'give effect' to Te Mana O Te Wai, and that freshwater is managed in an integrated way that considers the use and development of land on a whole-of-catchment basis (Ki Uta, Ki Tai).

The proposed changes to the NPS-FM are anticipated to have significant implications for management of waterbody margins, particularly from a habitat perspective and protection and enhancement of natural character. However, the proposed 2020 amendments do not fully address biodiversity concerns which are anticipated to be addressed over time, given the exclusion of freshwater environments from the draft NPS for Indigenous Biodiversity.

The proposed NES-FW and REG-SE are anticipated to also have significant implications for management of waterbody margins, including setbacks and control of river modification in both urban and rural environments.

The revised NPS-FM and new NES-FW and REG-SE are anticipated to be in force in 2020.

National planning standards (NPStds)

The National Planning Standards combined plan standard identifies several chapters where the contents of Chapter 8 will need to sit. This includes a public access chapter, natural character chapter (which is to include natural character of water body margins) and a coastal environment chapter. Careful consideration will be needed to determine how the policies in Chapter 8 should be separated and the need for further objectives to provide a coherent and integrated framework in the new structure. This will also require clarification of the intent and scope of Objective 8.1.2 and its respective policies, including potential rationalization of the policies in the context of other similar policies elsewhere in the TRMP and retention of key policies that support rules in multiple parts of the plan.

3.1.3 Other Legislation

Other relevant legislation and management plans include:

Public access:

- Walking Access Act 2008
- Foreshore and Seabed Act 2004; then Takutai Moana Act 2011 (relating to customary marine titles, foreshore ownership and access)
- Conservation Act: Abel Tasman Foreshore Scenic Reserve Management Plan

Relating to waterbody margins:

- Soil conservation and River control Act 1941 (as it relates to stopbanks etc)
- Water Conservation Orders, including:
 - Buller River and listed tributaries
 - Motueka River and listed tributaries
 - (Proposed) Te Waikoropupū Springs and the Arthur Marble Aquifer

⁹ As outlined in the Ministry for the Environment's Essential Freshwater Package September 2019

3.1.4 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
- Ngāti 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 (for example, Ngāti Tama’s relationship with Waikoropupū Springs).

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 (eg ara/ancient trails, urupa, kainga, mahinga kai, mahinga harakeke and cultivation sites) and treasured fish, bird and plant species that were important to their tūpuna (ancestors).

3.2 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 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.

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.

Chapter 8 has been largely unchanged since decisions were made on the first generation plan in 1998. The plan changes listed in the table below have introduced relatively small changes to specific text and policies, but have not substantially changed the content or intent of the chapter.

Table 6: Summary of Plan Changes or Variations affecting Chapter 8

Plan Change or Variation	Description of Change and Key Matters
Various variations to the 1998 version through Environment Court decisions	<ul style="list-style-type: none"> • ECD 22/8/01: added policy 8.1.3.2 • ECD18/5/04: Method 8.1.20 c --added requirement for Riparian Land Management Strategy within 3 years of plan becoming operative; policy 8.2.3.1 - added ‘riparian’;

	<ul style="list-style-type: none"> • ECD 16/3/04: policy 8.2.3.5- changed ‘need’ to ‘priority’; Principle reasons and explanation: modified paragraph 2 • ECD 26/5/04: reworded policy 8.2.3.8 to focus on avoiding activity rather than effect of activity and removed urban reference
<p>PC 3 (Variation 25 and 33) Notified Dec 2003; plan change incomplete</p>	<p>Manage land disturbance and vegetation removal in the CEA. PC has not past hearings stage, but has legal effect due to RMA wording at the time of notification. It is expected PC3 will be withdrawn alongside notification of the TEP</p> <ul style="list-style-type: none"> • Issue – changed by land development to by earthworks and built development • Policy 8.2.3.4 - added terms ‘landscape character and amenity values’ • Policy 8.2.3.7 – added term ‘landscape’ • Method 8.2.20 a(ii) added ‘and in the coastal environment area’
<p>Variation for CTA (32, 35, 37-38) Operative November 2011</p>	<p>Coastal Tasman Area Rural Residential Development plan change:</p> <ul style="list-style-type: none"> • Added policy 8.2.3.9 on the Coastal Tasman Area • Method 8.2.20 (ix) changed ‘orchards and other tree crops’ to ‘horticultural plantings’
<p>PC 22 Operative January 2015</p>	<p>Implementing the Coastal Risk Area in Mapua and Ruby Bay:</p> <ul style="list-style-type: none"> • Method 8.2.20 a(iv) Changed reference to coastal hazard area to coastal risk area • Principle reasons and explanation – added last paragraph 12 on Waimea Inlet adjacent to Mapua and Coastal Tasman Area

3.2.1 Plan Change 3

Issue 8.2.1 and two of the supporting policies (8.2.3.4 and 8.2.3.7) and one method of implementation (8.2.20.1 b) are subject to changes from Plan Change 3 (PC3 - former variations 25 and 33). This is an ‘orphaned’ plan change on land disturbance and vegetation removal in the Coastal Environment Area that was notified in 2003, but did not progress to the hearings stage.

PC3 has legal effect due to the RMA wording at the time of its notification, but presents an ongoing challenge to consent staff in determining the appropriate weighting to give to this change during processing of applications.

It is intended that PC3 be resolved as part of the TEP review process, most likely through withdrawal of PC3 in its entirety upon notification of the TEP, which will incorporate relevant aspects of the changes proposed in PC3.

3.3 Relevant Case Law

The Tasman Law report (2019) sets out some of the key legal themes and cases involving Tasman District Council since the TRMP was notified. Of particular relevance to Chapter 8 are the following:

- Resource Legislation Amendment Act 2017 – The explicit function for Councils to control hazardous substances is removed from the RMA.
- Friends of Nelson Haven and Tasman Bay Inc v Tasman District Council (Interim Decision) - 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 and 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 found 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 at Wainui Bay at the end of 2024.

- *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited* [2014] NZSC 38 - significantly changed the approach that had been taken by the courts (and decision makers) to the assessment under Part 2. The effect of *King Salmon* is that in preparing regional coastal plans giving effect to policies 13 and 15 a regional council must:
 - Assess the natural character/natural features/natural landscapes of the region;
 - Identify areas where natural character, natural features or landscape require preservation or protection; and
 - Ensure RPSs and plans include objectives, policies and rules which preserve the natural character and protect natural features and landscapes in certain areas.
- The Environment Court decision on *Little Sydney Mining Company Ltd v Tasman District Council* [2010] NZEnvC 302 (Kenderdine J presiding) related to the vesting of an esplanade reserve. The appellants (LSMCL) had applied for a resource consent for a boundary adjustment. The Council granted consent but, as a condition of consent, sought that an esplanade reserve be vested. An appeal was lodged opposing the condition of an esplanade reserve. The arguing of the case from a policy point of view centred more on Chapter 8 than Chapter 14 of the TRMP, but nevertheless the principles canvassed are relevant. Ultimately the Court dismissed the appeal and decided that it is in the public interest that the esplanade reserve should be vested.

A variety of case law has also occurred since Chapter 8 was originally developed that discusses and clarifies the definition of river and lake bed. By default this also assists in definition of the margins of these waterbodies.

3.4 Iwi Interests, Aspirations and Expectations

Iwi have significant interest in the management of wai (water) and waterbody hauora (health) as kaitiaki (guardians) of nga taonga tuki iho (treasures handed down). The iwi of Te Tau Ihu (Top of the South Island) have continued to highlight their aspirations and expectations for water management to Council¹⁰.

Of particular significance to Chapter 8, is the desire for integrated water management - Ki Uta Ki Tai (from the mountains to the sea), and the protection and enhancement of the mauri of wai (life force/vital energy of water). It is anticipated that these aspirations and expectations will be reflected through the TEP review process, particularly in the review of freshwater, rivers/lakes and coastal parts of the Regional Policy Statement. Associated with this is the consideration and recognition of Te Mana O Te Wai, as required in the NPS-FM and likely strengthening of requirements in the anticipated 2020 amendments to the NPS-FM¹¹.

¹⁰ For a recent example refer to the Manawhenua Mātauranga Report (June 2018) prepared by Manawhenua ki Mohua on water management in the Takaka Catchments.

¹¹ Including a proposed shift to requiring regional councils to 'give effect' to Te Mana O Te Wai.

3.4.1 Iwi Planning Documents

Iwi management plans are lodged with Council by iwi authorities under the RMA. It is a requirement of the Act that regional policy statements and plans must take into account any relevant planning document recognised by an iwi authority.

Iwi Management Plans can be wide reaching in scope, for example an iwi management plan may document Iwi worldview and aspirations for the management of resources, or a plan may focus on a single issue or resource. The following iwi management plans have been lodged with Council:

- Ngati Koata Trust Iwi Management Plan 2002
- Ngati Tama Environmental Management Plan 2018
- Ngati Kuia Pakohe Management Plan 2015

Further documents that may be considered planning documents recognized by an iwi authority that have particular relevance to the management of waterbodies and their margins include:

- Te Waka a Maui me ona Toka Mahi Runa (South Island Eel Management Plan) 1996
- Te Tau Ihu Mahi Tuna (Nelson Marlborough Eel Management Plan) Undated
- Manawhenua Mātauranga Report for the Takaka Catchments (June 2018)

3.5 Other Factors

Improved management and access to water margins has occurred in specific locations around Tasman District as a consequence of a range of non-TRMP factors such as:

- Land gifts from private individuals and private riparian plantings
- Council purchase of land for access or ecological restoration
- Community and Council funded plantings and development of walkways & cycleways, and
- Negotiated access arrangements (e.g. fishing access)

For example, riparian enhancement has occurred around the Waimea Inlet due to the combined efforts of local volunteers, support from TDC, NCC, DOC and the Native Habitats Tasman Trust.

3.6 Internal Consistency of Provisions

3.6.1 Public Access – Policy Mapping

This section provides a summary of the policy mapping for the public access framework in Chapter 8, including: the flow through of requirements from the RMA to the RPS and into the issue and objective; and from the objective to the policy set and through to the rules and non-regulatory methods implementing the policies.

Evolution of Provisions from RMA

The evolution of the provisions regarding public access from the RMA to the Regional Policy Statement (RPS) and Issue and Objectives in the TRMP (refer Table 7) highlights:

1. the addition of public access to wetlands in the RPS, that flows through to the TRMP issue and objective;

2. the reframing of public access along the ‘coastal marine area’ (RMA), to ‘the coast’ in the RPS and TRMP;
3. a transition from maintenance and enhancement (RMA) to provision and enhancement (TRMP Issue) and back to maintenance and enhancement (TRMP objective);
4. a qualifier in the TRMP Issue focusing on the current and future needs of residents and visitors;
5. a limiting qualifier in the TRMP Objective that restricts the provision of access to areas of recreational value to the public.

Point 5 above significantly shifts the focus of the policy framework for public access to focus on recreational use, and is likely to have resulted in a lack of consideration of access for other purposes such as access to mahinga kai (food gathering sites). This likely reflects RPS policy 6.3 (b) (iv)¹², but essentially dilutes the effectiveness of the framework for achieving RPS policy 6.3 (b) (iii)¹³ which has a more generic phrasing, giving wider recognition and provision for matter 6(d) in the RMA.

Table 7: Evolution of Public Access Provisions from RMA to RPS to TRMP

RMA	<p>6(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers</p>
RPS	<p>Issue 6.8 Riparian land management [...] Riparian land management involves the following issues: Open Space Recreation and Access</p> <p>Objective 6.6 Maintenance and enhancement of flood mitigation, habitat conservation, water quality, recreational and public access values and opportunities of riparian lands.</p> <p>Policy 6.3 The Council will: (b) protect and enhance the margins of wetlands, lakes and rivers for the purposes of: (iii) maintaining and enhancing public access to or along the margin; and (iv) enabling public recreational use of the margin;</p> <p>Issue 9.9 Public interest in access to and along the coast [...]</p> <p>Objective 9.6 Coastal land use and development that avoids, remedies or where appropriate mitigates adverse effects on: (ii) public access to and along the coast;</p> <p>Objective 9.8 Maintenance and enhancement, where appropriate, of public access to and along the coast.</p> <p>Policy 9.9 Council will maintain and where appropriate enhance public access to and along the coast.</p>
TRMP	<p>Issue 8.1.1 Provision and enhancement of public access to and along the margins of lakes, rivers, wetlands and the coast, for <u>current and future needs of residents and visitors</u> to the District.</p> <p>Objective 8.1.2 The maintenance and enhancement of public access to and along the margins of lakes, rivers, wetlands and the coast, <u>which are of recreational value</u> to the public.</p>

Implementation Methods

Methods for implementation identified in Chapter 8 include:

¹² 6.3 (b) protect and enhance the margins of wetlands, lakes and rivers for the purposes of: (iv) enabling public recreational use of the margin;

¹³ 6.3 (b) protect and enhance the margins of wetlands, lakes and rivers for the purposes of: (iii) maintaining and enhancing public access to or along the margin

- **Regulation** including: setbacks from waterbody margins, esplanade and access requirements at subdivision, and standards for vehicle access
- **Education and advocacy** to promote opportunities for public access to water body margins
- **Investigations and Monitoring** - Inventory of public access locations (updated 5 yearly and publicly available) and preparation of a Riparian Land Management Strategy that identifies priority sites, including for public access
- **Works and services** including the removal of pest plants, undertaking physical works to improve public access, and acquisition or purchase of esplanade reserves and negotiation of esplanade strips and access strip agreements in agreed priority areas or circumstances.

Implementation through Rules

The rules implementing the policies relating to public access have been assessed (Leusink-Sladen 2019) as having mostly strong to moderate links to the policies in Chapter 8. The strength is greatest with rules dealing with esplanade reserves and with open space, recreation and conservation zoning, and weakest for provision of access to outstanding natural features and landscapes.

In particular, Policy 8.1.3.1 expands on the public access objective (8.1.2) in Chapter 8. While the process for taking of esplanade reserve land at the time of subdivision is clear, the second half of policy 8.1.3.1 is less so, with a lack of rules specifically to ensure other values are protected, including indigenous vegetation and habitat, public health and safety, infrastructure and cultural values (Leusink-Sladen, 2019).

Regarding the set of regulation methods identified for public access (refer Appendix 0), rules are progressively achieving the esplanade reserve and strip or access strip outcomes through rule set 16.4, and vehicular access requirements indirectly through general road access requirements.

However the rules for setback of structures has only been partially achieved as the setbacks are inconsistently applied in different land use zones and across different waterbody types (refer Appendix 0)

Implementation through Non-Regulatory Methods

The non-regulatory methods have had limited and varying levels of achievement (refer Appendix 0). In particular there is a lack of a detailed data set on public access points for water body margins to inform public education and advocacy, and the prioritization of sites for obtaining public access identified in the Riparian Land Management Strategy does not appear to have been used or reviewed past its initial publication.

The works and services identified including; plant pest management, physical works to improve access, and acquisition of esplanade reserves and strips has been undertaken by Council across various departments, but this is largely unquantified and it is unclear how successful these methods have been in maintaining and enhancing public access to margins across the Tasman district over time.

Performance Monitoring Indicators

The performance monitoring indicators for public access are:

- *Number and types of complaints about lack of access, or impacts of access.*
- *Changes in the extent of riparian and coastal land available for public access.*

- *The provision of information such as signs and pamphlets about public access opportunities in the District.*

The performance indicators for this section have not been specifically monitored or reliably recorded. While anecdotal information on their achievement is available through discussion with staff, further information and analysis would be required to determine quantifiable results. This has not been pursued due to resourcing and cost-benefit constraints, and it is recommended that the performance monitoring indicators are fully reviewed to enable future monitoring to better inform any future efficiency and effectiveness reviews.

3.6.2 Natural Character – Policy Mapping

This section provides a summary of the policy mapping for the natural character framework in Chapter 8, including: the flow through of requirements from the RMA to the RPS and into the issue and objective; and from the objective to the policy set and through to the rules and non-regulatory methods implementing the policies.

Evolution of provisions from RMA

The evolution of the provisions regarding natural character from the RMA to the Regional Policy Statement (RPS) and Issue and Objectives in the TRMP (refer Table 8) highlights:

1. The transition from ‘preservation and protection’ of natural character in the RMA to ‘preservation’ in the TRMP issue, through to ‘maintenance and enhancement’ and protection in the TRMP objective;
2. The policy framework for natural character in freshwater bodies is not as clear in the RPS as that for coastal natural character, with a variety of differing terms used between the issues, objectives and policies;
3. The use of the term ‘natural values’ in addition to natural character, particularly in the RPS– with natural character referenced as a subset of natural values – which then flows through to the TRMP issue and the introductory text and methods section of Chapter 8, as well as other parts of the TRMP (at which point it is unclear if policies using this term are also intending to address natural character specifically);
4. The TRMP issue statement expands the scope of the section regarding natural character and natural values to include aquatic habitats and water quality, bringing in elements largely addressed in the regional parts of the TRMP, however there is no cross-referencing to regional objectives, policies or rules implementing this aspect. The TRMP objective further modifies this to refer to landform, vegetation, habitats, ecosystems and natural processes. These qualifiers reflect the TRMP definition of natural character;
5. The TRMP objective includes qualifiers that expand the source of effects to be addressed, to include ‘maintenance of land and other resources’.

Table 8: Evolution of Natural Character Provisions from RMA to RPS to TRMP

RMA	<p>6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:</p>
RPS	<p>General Objective 6 Protection and enhancement of significant natural, heritage and cultural values of resources.</p> <p>Issue 5.5 Coastal development [...]</p> <p>Objective 5.2 Avoidance, remedying or mitigation of the adverse effects arising from urban development locating or expanding in: (iv) areas of natural character, outstanding natural features and landscapes, significant indigenous vegetation or fauna, or other heritage values; and (v) Wetlands, lakes, rivers, and their margins.</p> <p>Policy 5.5 The Council will protect the natural character of the coastal environment from adverse effects of further urban development, [...]</p> <p>Policy 6.3 The Council will: (b) protect and enhance the margins of wetlands, lakes and rivers for the purposes of: (i) preserving the natural character of wetlands, lakes, rivers and their margins;</p> <p>Issue 6.8 Riparian land management [...] Riparian land management involves the following issues: Cultural and Aesthetic Values - The natural character of undisturbed or pleasantly modified riparian settings, whether in public or private ownership, may have great visual or riverscape values and aesthetic or cultural benefits to the public. [...]</p> <p>Objective 6.6 Maintenance and enhancement of flood mitigation, habitat conservation, water quality, recreational and public access values and opportunities of riparian lands.</p> <p>Policy 6.3 The Council will: (b) protect and enhance the margins of wetlands, lakes and rivers for the purposes of: (i) preserving the natural character of wetlands, lakes, rivers and their margins;</p> <p>Issue 7.2 Protection of natural, recreational and cultural values of water bodies</p> <p>Objective 7.1 Maintenance and enhancement of the natural and cultural values, including natural character, of fresh waters, including recreational, fisheries, wildlife and other instream values.</p> <p>Policy 7.4 The Council will: (i) preserve the natural character of wetlands, rivers and lakes, [...]</p> <p>Policy 8.2 Council will avoid, remedy or mitigate adverse effects of activities in river and lake beds on intrinsic, recreational, cultural, and other instream values of rivers, lakes and streams.</p>
TRMP	<p>Issue 8.2.1 [...] The natural character and natural values of the margins of lakes, rivers and wetlands, and the coastal environment, have been adversely affected by people’s activities. [...] Preserving natural character and natural values, including aquatic habitats and water quality, requires effective management of riparian margins and the coastal environment. [...]</p>
TRMP	<p>Objective 8.2.1 Maintenance and enhancement of the natural character of the margins of lakes, rivers, wetland and the coast, and the protection of that character from adverse effects of the subdivision, use, development <u>or maintenance of land or other resources</u>, <u>including effects on landform, vegetation, habitats, ecosystems and natural processes</u>.</p>

Implementation Methods

Methods for implementation identified in Chapter 8 include:

- **Regulation (a-m)** including both district (eg in the CEA) and regional rules (eg m) effects of discharges)

- **Investigations and Monitoring:** monitoring of margin vegetation (location, quality, quantity) and water quality attributable to different vegetation regimes, rate of subdivision along coastline, and number and type of enhancement projects, and preparation of a Riparian Land Management Strategy
- **Works and Services:** removal of noxious weeds from margins, restoration and enhancement projects of reserves and other public land using local indigenous species
- **Advocacy and Education:** advice on land management practices, promotion of fire-resistance species in CE, design guide for buildings in the CEA, encouraging use of local indigenous species in margins, information about the adverse effects of vehicles, promotion of land use practices that do not generate contaminants to waterbodies
- **Financial Methods:** financial incentives to encourage protection of waterbodies, their margins and the coast, negotiation with landowners of coastal reserves that move with MHWS

Implementation through Rules

The rules implementing the policies relating to natural character have been assessed (Leusink-Sladen 2019) as having varied linkages to the policies in Chapter 8. The strongest links were associated with vegetation removal rules within the land disturbance rules, rules in the Coastal Environment Area, and esplanade reserve acquisition in the subdivision rules. However less clear linkages were found for riparian enhancement and the priority of natural character within the framework. In addition, the broadness of some of the policies and lack of definition of key terms used in them potentially dilute the effectiveness of all aspects being covered by the relevant rule sets. It is also unclear which policies are intended to be implemented by the non-regulatory methods.

Regarding the set of regulation methods identified for natural character (refer Appendix 0), rules are progressively achieving the esplanade reserve and strip or access strip outcomes through rule set 16.4 and refuse has been controlled within the coastal environment area rules (18.11). However, the other regulation identified has only been partially achieved, with inconsistent application of rules across margins for different water body types, including: use of open space and conservation zoning; controls for earthworks and indigenous vegetation removal; use of firebreaks; use of vehicles; etc.

In particular, the rules for setback of buildings are inconsistently applied in different land use zones and across different waterbody types (refer Appendix 0). Application of rules for the coastal environment are also affected by the lack of full definition of the coastal environment in the Tasman district. Those rules in Chapter 18.11 (Coastal Environment Area) do not cover all the issues to be addressed in the coastal environment.

Implementation through Non-Regulatory Methods

The non-regulatory methods have had limited and varying levels of achievement (refer Appendix 0). In particular there is a lack of a strategic approach to the non-regulatory methods and they include a wide range of activities that are undertaken by a number of Council departments at a range of scales. The priorities for water quality and habitat identified in the Riparian Land Management Strategy does not appear to have been used or reviewed past its initial publication. There is limited data collected on the scale and extent of these activities and it is unclear how successful these methods have been in protecting and enhancing the natural character of waterbody margins across the Tasman district.

Performance Monitoring Indicators

The **performance monitoring indicators** for natural character are:

- *Areas of new indigenous riparian and coastal vegetation and associated animal habitats protected*
- *Number and types of complaints about indigenous vegetation removal in coastal and riparian margins*
- *Changes in area and quality of indigenous coastal vegetation*
- *Changes in number of lots subdivided and building consents issued in the coastal environment*

The performance indicators for this section have not been specifically monitored or reliably recorded. While anecdotal information on their achievement is available through discussion with staff, further information and analysis would be required to determine quantifiable results. This has not been pursued due to resourcing and cost-benefit constraints, and it is recommended that the PMIs are fully reviewed to enable future monitoring to better inform any future efficiency and effectiveness reviews.

3.7 Overlap with Other Plan Objectives and Policies

3.7.1 Integration and overlap with other parts of the TRMP

There is significant overlap of Chapter 8 topics with other parts of both the district and regional plans (refer Appendix 0), with at least 20 objectives and 42 policies across the district and regional chapters relating (moderately to strongly) to natural character or elements of natural character associated with water body margins, and 4 objectives and 13 policies across the TRMP relating to public access to water body margins and the coast (refer Appendix 0 and 0).

In particular natural character and public access are referenced in several other chapter objectives including objectives 6.4.2, 14.3.2, 21.1.2, 21.6.2, 21.7.2 and 27.6.2. Other objectives, particularly in the regional plans refer more specifically to elements of natural character.

However, the current framework across the TRMP does not provide fully integrated management of water bodies and their margins, or provide comprehensive protection and enhancement of natural character of water body margins for its own intrinsic value and importance in waterbody health and function.

While the focus of the respective chapters differs (focusing on the effects on, and effects of, development and use), consideration of each aspect is needed to address the issues in water body margin areas in a holistic way that achieves all the respective objectives, and clearly defines the priorities where conflicts arise. An example of this is the setting of suitable setbacks for buildings and activities that achieves both avoidance of natural hazards on development, as well as preservation of natural character of margin areas, and the protection and enhancement of natural character in situations where flood protection structures are required.

Effective management of waterbody hauora (health) requires an integrated approach that considers both the water body and their margins together. There is significant overlap between Chapter 8 and Part 4 of the regional plan (beds of river and lakes), however there is potential for better integration.

The separation of management of effects on waterbody margin areas in the TRMP reflects the split in the RMA of land and water management between sections 9, 11, 12, 13, 14 and 15, as well as the influence of other Acts and instruments influencing Council functions (eg Reserves Act).

It may make more sense to the general public users of the TRMP if the provisions and rules relating to water bodies and their margins were combined, and the divisions relating to the RMA sections more subtly provided for within the framework (ie through notation on whether provisions are district or regional and the applicable RMA section).

Overlap with Other District Plan Chapters

The chapters in the district plan with reference to margins, public access, natural character of waterbodies and riparian areas include:

- Chapter 5: Site Amenity Effects
- Chapter 6: Urban Environment Effects
- Chapter 7: Rural Environment Effects
- Chapter 9: Landscapes
- Chapter 10: Significant Natural Values and Historic Heritage
- Chapter 11 Land Transport Effects
- Chapter 12 Natural Hazards
- Chapter 14 Reserves and Open Space

(Refer Appendices 0 and 0 for a summaries of objectives and policies in the TRMP that reference margins, public access, natural character of water bodies and riparian areas)

The focus of these chapters tends to be towards development and human use, rather than protection of the intrinsic values of waterbodies and their margins. This is reflected in the narrowing of focus at the policy and rule stage, which tends to focus management towards facilitating human use and linkages between development and waterbodies, avoidance of effects on the built environment from flooding, and a narrowing of focus to protection of areas and elements with 'significant' values and indigenous species. This focus supports the public access objective of Chapter 8, but does not provide the same support to the natural character objective of Chapter 8.

Overlap with Region Plan Chapters

The chapters in the regional plans with reference to margins, public access, natural character and riparian areas includes:

- Chapter 21: Effects of disturbance, structures and occupation on Coastal Marine Conservation, Heritage, Access and Amenity Values
- Chapter 22: Aquaculture
- Chapter 23: Natural Hazards and Hazardous Substances
- Chapter 24: Effects of Noise
- Chapter 27: Activities in the Beds and on the Surface of Rivers and Lakes
- Chapter 30: Taking, Using, Damming and Diverting Water
- Chapter 33: Discharges to Land and Freshwater
- Chapter 35: Discharges to coastal marine area

There is significant overlap in the coastal chapters (21-24), particularly chapter 21 which includes section 21.1 on the preservation of natural character and 21.6 on the effects of public access.

A key gap in Chapter 8 is any direct reference to the regional parts of the plan, both in the text and in the policy and rule references, which are currently wholly district plan focused. This is despite the reference within several Chapter 8 policies (eg 8.1.3.3, 8.2.3.10, 8.2.3.16, 8.2.3.19) to regional functions and regional application of policy, for example in the Coastal Marine Area.

The regional parts of the plan dealing with riparian margins areas do refer to Chapter 8 and also seek integration in referring to land adjacent to water bodies and riparian areas/zones, however the regional rules narrow down to focus on those elements under control of the regional parts of the plan (ie below MHWS and in the beds of rivers and lakes). This may reflect the different timelines for development of these parts of the TRMP, for example Part 4 was developed after Chapter 8.

This essentially leaves a gap in the regulatory framework where integration is not fully achieved for the protection of water body margins, or the objectives of public access and natural character in Chapter 8. This also presents a significant opportunity for the Tasman Environment Plan review to collate the relevant parts of both the district and regional plans that relate to water body margins to achieve holistic integration of the respective objectives, and provide clear direction for consent assessment as to competing uses and their priority in water body margin areas.

Regarding margins of the coast, this should also be considered in definition and management of the coastal environment as required in the NZCPS providing seamless management of effects that cross MHWS and reflecting the effect that land based activities can have on coastal margins and the coastal marine area.

Careful consideration will be needed on how to integrate management across these boundaries while still underpinning the policy framework with the separation of functions under the RMA and meeting the requirements of the National Planning Standards.

3.7.2 Rule Sets Cross-referenced in Chapter 8

Most rules cross-referenced to Chapter 8 have only moderate to weak linkages to the objectives and policies in Chapter 8. The majority of these rules provide only limited protection of public access and natural character indirectly through managing the general effects of various types of development and land disturbance. The only rule sets with strong linkages are rule set 16.4 for Esplanade Reserves, Strips and Access Strips upon subdivision. Schedule 16.3A is referenced in both rule sets 16.3 and 16.4 and includes assessment criteria of particular relevance to Chapter 8 objectives and policies.

Some rule sets have very weak or no linkage to the objectives and policies in Chapter 8 and their cross-reference should be removed, for example rule set 16.1 (outdoor signs and advertising), 16.2 (Transport – access, parking and traffic¹⁴), 18.16 (Quarry Area), 18.17 (Residential Activity Restriction Area), and 18.12 (Slope Instability Risk Area).

Other provisions, as outlined in section 0 should be added to the cross-referencing as they clearly support the objectives of Chapter 8.

3.7.3 Terminology and Application of Policies and Rules to Margins

There are a mix of terms used within the policies of Chapter 8, as well as the rules and other related policy chapters, that make it difficult to determine what provisions in other parts of the TRMP may

¹⁴ This rule set also does not include a cross-reference to Chapter 8 policies.

be giving effect to the objectives in Chapter 8. This also confuses where the policies of Chapter 8 and associated rules apply.

For example, many provisions talk specifically about ‘natural character’, while others refer to elements of natural character, or ‘natural values’, which are often highlighted as incorporating natural character.

The regional chapters and Chapter 8 often refer to ‘riparian’ areas, while the other district plan chapters refer to margins. Riparian is not a term used frequently in the RMA (eg only 1 instance in sec 360). It has apparently come from use in the RPS, and it is used in Chapter 8 and the regional parts of the TRMP when seeking to integrate land and water management for rivers in particular.

It would help strengthen the policy mapping linkages if consistent terminology, and clear definitions, were used across the relevant sections of the TEP for provisions linked to public access and natural character for waterbody margins.

The key terms for which there is inconsistent use or lacking definition are listed in the table below:

Table 9: Examples of Related Terms used through the TRMP relating to Chapter 8

Topic	Examples of related terms used in the TRMP relating to Chapter 8 topics
Public access	Public access, access ¹ , private access, walking access, pedestrian access/ accessway ¹ vehicle/vehicular access, accessible for users, non-vehicle accessways, access to public spaces, walkways and reserves, publicly accessible viewing point, access to the coastline, access to rivers ² and lakes ^{2,1} , legal public access, access lanes, water access points, customary access, lawful public access, access points, points of access.
Natural character	Natural character ¹ , natural values (including natural character), natural heritage values, conservation values
River Margins	Margins of water bodies (waterbody ²), riparian ¹ , riparian land, riparian zone, riparian buffers, riparian habitat, riparian vegetation, land adjacent to waterbodies
Coastal margins	Coastal margin, the coast, the coastline, coastal land, coastal areas, the coastal environment ^{1,3} , Coastal Environment Area ^{1b} (~200m inland from MHWS ¹), Land adjacent to the Coastal Marine Area ² , the foreshore ² , beaches, the sea, seascapes, margins of coastal landscapes, and specific locations (ie Waimea Inlet, Coastal Tasman Area ^{1b})
<p><i>NOTES: Bold text are terms defined in either (refer annotation):</i></p> <p>1) term defined in the TRMP, 1b defined only on the TRMP planning maps</p> <p>2) term defined in the RMA</p> <p>3) term partially defined in NZCPS</p>	

Key definitions in the TRMP relating to Chapter 8 are reproduced below:

Access – means a practical permanent vehicular and pedestrian access from a formed road to a site over either:

(a) land that is included within the site; or

(b) other land pursuant to an easement of right-of-way running with the land and appurtenant to the site.

Coastal environment – includes the coastal marine area, land above the coastal margin that is affected by coastal processes, resources and issues, and all associated plants, animals, and structures.

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.*

In addition, Chapter 27 (TRMP U62 page 27/34) section 27.6.1.1 Amenity and natural character:

A workable definition has been adopted by a number of landscape architects and other resource management practitioners that states that natural character describes the naturalness of river environments.

The degree or level of natural character within an area depends on:

- (1) the extent to which natural elements, patterns and processes occur; and*
- (2) the nature and extent of modifications to the ecosystems and landscape or riverscape.*

The highest degree of natural character (the greatest naturalness) occurs where there is least modification. The effect of different types of modification upon the natural character of an area varies with the context and may be perceived differently by different parts of the community.

Riparian – means immediately adjacent to any river, lake, or wetland.

The number of instances in the TRMP referencing elements of natural character (from the TRMP definition above) are provided below as an indication of the potential extent to which these are addressed in the TRMP (relevance of the instances has not been assessed):

- landform (58 instances)
- natural processes (26 instances)
- indigenous plant (10 instances)
- animal species (9 instances)
- indigenous species (23 instances)
- natural sounds (2 instances)
- water quality (392 instances)
- use and development (41 instances)
- open space (317 instances)

3.7.4 Summary of Opportunities for Water Body Management Integration

To assist with development of the TEP review for Chapter 8 the potential opportunities for consideration in improving integration for water body management identified throughout this report are summarized below:

1. Consistent use of terminology through the RPS, regional and district plans regarding management aspects in water body margins, including clear definition (including spatial definition) of where margin provision and rules apply;
2. Clearer policy mapping from RMA to RPS and into Issues, Objectives, Policies and methods (including both rules and non-regulatory methods)
3. Consideration of combining the provisions and rules relating to water bodies and their margins, with application of the relevant RMA sections more subtly provided for within the framework (ie through notation on whether provisions are district or regional and the applicable RMA section), including consideration of restructure to a Freshwater Management Unit based approach under the NPS-FM and NPStds, including:

- a) Consideration of the use of a freshwater margin/riparian overlay or precinct (under the NPStds) with an associated issue-object-policy set and a dedicated rule set covering all the objectives within freshwater body margins across the TRMP, integrated at river mouths with the coastal margin provision set outlined below;
- b) Consideration of a separate issue-objective-policy set and dedicated rule set covering all the objectives for the coastal environment (including clear spatial definition of provision application across the differing drivers for management)
- c) Consideration of a separate issue-objective-policy set and dedicated rule set specifically for a more narrowly defined coastal margin (including spatial definition of the margin) – or incorporated into the freshwater overlay/precinct referenced above.
- d) Consideration of a separate issue-objective-policy sets for the key waterbody types: rivers, lakes, wetlands, and coastal areas – with consideration of karst and springs as special waterbody types present in the region.

3.8 Evidence of Implementation

There is limited, unclear and unquantified information available that provides evidence of effective implementation of the frameworks to achieve the objectives in Chapter 8. In particular, the Key Performance Indicators have typically not been specifically monitored (refer Appendix O) and the Environmental Results Anticipated have not been clearly met (refer Appendix O). The following sections provide discussion on aspects that have provided progress towards the objectives and those that suggest framework improvements are needed.

3.8.1 Non-regulatory Strategies informing Margin Land Acquisition and Management

Riparian Land Management Strategy

The development of a Riparian Land Management Strategy (RLMS) was identified in the non regulatory methods for implementation of both the public access and natural character objectives. This strategy was intended to be prepared in consultation with affected parties to identify priority sites or the means of determining priority sites of riparian land and coastal margins for the following purposes:

- (i) public access;
- (ii) recreation;
- (iii) conservation of natural ecosystems;
- (iv) maintenance and enhancement of water quality;
- (v) protection of landscape values;
- (vi) protection of heritage sites;
- (vii) mitigation of flooding or river erosion mitigation.

As such, this strategy provided a mechanism to align the differing drivers of management of waterbodies and their margins and provide guidance on priority for land acquisition and riparian management goals.

The RLMS was to be prepared within three years of the Plan becoming operative. The original strategy document was released in 2001, however the strategy states it will be reviewed annually

and given full public review every three years, which has not occurred. A review of the RLMS was recently initiated by Environmental Information staff, but is not yet complete.

It is unclear if the priorities identified in the RLMS have been recognised in the reserve acquisition process or adequately connected to the Long Term Plan process for funding of acquisition and enhancement works.

If reviewed, the RLMS could be formatted using a Freshwater Management Unit based approach in alignment with the implementation of the NPS-FM. Any review should investigate if this document has been superseded by other documents such as the Open Space Strategy, including consideration if all public access and natural character aspects are adequately covered in either strategy.

Open Space Strategy

TRMP Rule set 16.4 (Esplanade Reserves, Strips and Access Strips) provides a key mechanism for the taking of esplanade reserves, strips and access strips, and both the RMA and rule set are very directive, however the criteria informing decisions on acquisitions and when Council will seek to modify outcomes sought in specific consents is outlined in the Open Space Strategy 2015-2025 (refer page 24-25 refer Appendix 0 for an excerpt of this text).

The Open Space Strategy (2015-2025) identifies that just over 105 hectares of Tasman's 9771 km² of land is protected as esplanade reserves and marginal strips (0.01%). The strategy states: *"In peri-urban and rural settings, reserve acquisition occurs largely on an ad hoc basis as subdivision occurs, and is guided by structure planning in newly zoned areas and minimum size standards. There are few examples where Council has placed designations on areas of private land to ensure a network connection. Borck Creek is one example where a designation intended largely for stormwater purposes will allow a future recreation and ecological connection from the "hills to the sea". Other such connections beside waterbodies are secured progressively on subdivision by the vesting of esplanade reserves or the creation of esplanade and access strips. The intention is that, over time (many decades), a complete network of protected waterbodies will result, along with extensive provision for recreation, at minimal cost."*

The Open Space Strategy makes reference to policy 14.1.3.7 (*To identify, acquire, and manage land, including esplanade reserves and road reserves, to facilitate public access to water bodies and the coast.*) and to Schedules 30A and B (which lists values for rivers and values for significant rivers within the Tasman District) and Schedules 36 A-C (water classifications), however it does not reference the objectives or policies in Chapter 8. As such, the focus of the Open Space Strategy does not fully cover the intent of the objectives in Chapter 8.

3.8.2 Process for Acquisition of Esplanade Reserves and Strips

The Consents and Community Development departments administers the acquiring of esplanade reserves and strips and access strips upon subdivision. They have continued a program of acquisition which has typically resulted in the acquisition of water body margins in line with the requirements in the RMA. Only in rare cases is the width of reserve taken reduced, or land acquired on properties over 4 ha. Decisions in this case are guided by the criteria in the Open Space Strategy and Consent Planning and Environmental Information staff knowledge, including priorities for access and reserve management in the suite of parks and reserves documents, including the Reserves Strategy, TDC Reserves Policies and the Parks and Facilities Activity Management Plan.

This indicates that there is a viable mechanism to acquire margin areas over time, however given its link to subdivisions, this is likely to take a very long time to achieve desired outcomes, and will not capture areas that are not subdivided.

While esplanade reserves and strips are available to view spatially in Council's GIS systems, limited to no data is kept in an accessible way to enable comparison or assessment of margin land acquisition over time, so we do not know how fast we are making progress towards the objectives this method is supporting.

The policy framework and rules need to take into account the private nature of most margin areas, and how objectives for public access might be further progressed outside of the subdivision process.

While the steady acquisition of esplanade reserves and strips has enabled Council to seek improvements in protection and enhancement of natural character of water body margins, this represents only a tiny fraction of waterbody margin in the district¹⁵ (outside of Department of Conservation estate). The significant majority of waterbody margins at risk of adverse effects to natural character values is in, and will remain in, private ownership. Without sufficient effective and efficient controls through the TRMP, there is ongoing potential for degradation of natural character. While this is not able to be currently quantified, the loss of riparian vegetation and habitat as a result of vegetation removal and waterbody margin modification, and ongoing inappropriate uses (such as cultivation too close to water) are recognized by staff as significant issues affecting waterbody health.

3.8.3 Environmental Outcomes for Natural Character

Recent research looking at the prioritization of biodiversity in Tasman (Leathwick 2019) assessed the 'naturalness' condition of rivers and lakes. The range of condition of rivers and streams was 0.163-0.986 (average of 0.527) in terms of a scale from zero to one; where a value of one indicates a very high level of naturalness and values approaching zero indicate increasingly complete loss of ecological values or integrity. For lakes the range was 0.2-0.99 (mean 0.83).

The condition assessment in this body of work provides an indication of the retention of natural character, particularly retention of vegetation. An average condition rating of 0.527 (on a scale of 0-1), suggests that overall, the condition of rivers and streams reflects that objectives for retention of natural character are not being met and in some cases are severely degraded (ie for values approaching 0).

However with no data including time periods relating to enhancement or loss of elements such as riparian vegetation, we are unable to identify trends in loss or degradation of naturalness (as a measure of natural character).

Work is currently underway¹⁶ investigating generation of region wide data on stream sinuosity and riparian cover as measures of water body health, which could also be proxy measures for retention of natural character and natural values. It is anticipated this work will be complete in early 2020, but will be limited to existing areas of LIDAR data until further LIDAR is collected in the next few years. This information could be used to inform new measures for effectiveness of the natural character objectives and policy set as part of the TEP review.

¹⁵ For example the Open Space Strategy identifies that the land protected as esplanade reserve and strips as being 0.01% of the Tasman land area, while Leathwick 2019 identifies 14,119km of rivers and streams and 95 lakes at 20m reserves this equates to 56.4 ha for rivers

¹⁶ Undertaken by Morphum Ltd - contract managed by Environmental Information staff

In addition, the degradation of the natural character of waterbody margins is often due to historic vegetation losses and physical changes, for example channel straightening or erosion protection structures. Improvement of this aspect is dependent largely on non-regulatory approaches to promote and support the restoration of indigenous vegetation and both riparian form and function. There are no rules requiring enhancement, and it is unclear if the rule framework sufficiently supports these activities to actively encourage enhancement of natural character in waterbody margins.

Lack of Adequate Setbacks for Land Uses, Activities, Infrastructure and Buildings

A key part of preserving natural character and enabling its enhancement and restoration where degraded, is ensuring margin space through sufficient setbacks for buildings, infrastructure and activities from waterbodies. This enables natural processes to occur and growth of mature riparian vegetation, providing for a number of key elements of natural character. As discussed previously, the setbacks currently in the TRMP are inconsistent across both land use zones and water body types (refer Appendix 2).

A cascade of adverse effects on water body margin can occur, particularly with urbanisation of streams, with the initial issue being a lack of sufficient setbacks from waterbodies to allow for their natural form and function (i.e. room for rivers). With insufficient setbacks, particularly for buildings, issues of flooding and erosion due to higher volume and velocity of flows becomes an issue, resulting in the need for armouring of bed and banks and/or installation of stop banks or flood walls. This then locks in channel capacity meaning waterbodies cannot be revegetated or enhanced due to the adverse effects on flood capacity. A policy framework that focuses on providing sufficient setbacks can help avoid the resulting adverse effects cascade on natural character and waterbody health.

One specific design element is the use of a sufficiently rough Manning's Roughness Coefficient (n value) when determining the necessary channel sizing for channel capacity management. A sufficiently rough coefficient should take account of channels being restored with mature and diverse riparian vegetation and instream woody material for habitat provision. Use of appropriate roughness coefficient highlights that channels often need to be twice as wide as traditionally designed when just looking solely at water passage capacity. In addition, greater consideration needs to be given to attenuating flows from impervious surfaces etc. which create the increased volumes and velocities upon urbanisation.

Figure 2 below shows a relatively recent example where setbacks (building and road) from a waterbody are too small to enable natural character of the waterbody to be fully enhanced in the future.

Figure 3 shows a common issue in rural areas of stock access and productive land use right up to the bank edge (occurring in both pastoral and cropping situations), which prevents restoration and enhancement of natural character elements in the margins. While only two examples are shown, staff have numerous examples of similar poor outcomes across the district.

Figures 3 and 4 show examples where existing infrastructure, land use, and activities to protect these, can affect natural character in coastal margins, including coastal processes that allow the migration and adaption of coastal habitats.



Figure 2: Lack of adequate river setbacks (Bateup Road)-

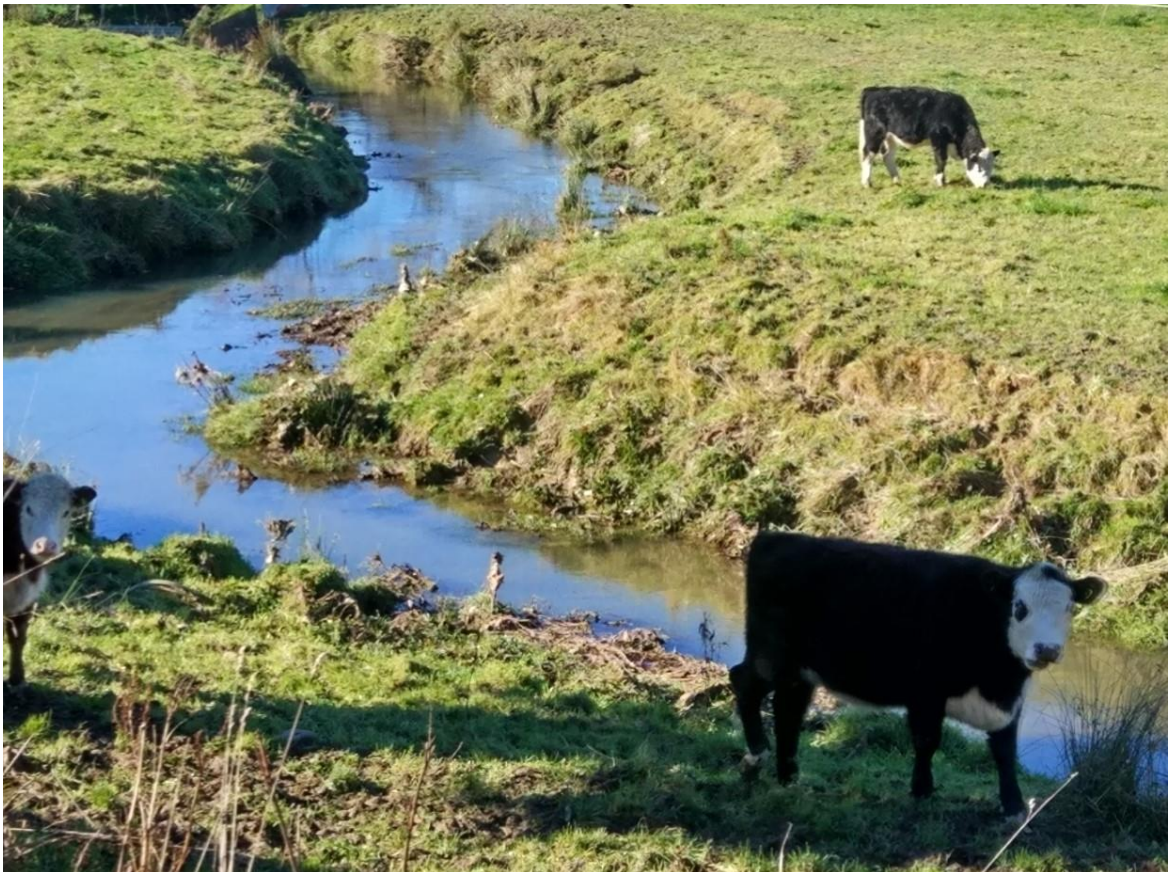


Figure 3: Stock access and pastoral land use within river margin area



Figure 4 Natural coastal process and infrastructure incompatibility (Ruby Bay)



Figure 5 Natural coastal processes and natural hazard management incompatibility (Mapua/Ruby Bay)

3.8.4 Complaints and Enquiries Data

Information on resident’s concerns over public access and natural character are not readily retrievable, however searches in MagiQ-BI have identified limited results that highlight that issues around public access and waterbody margin management generally relate to:

- Changes in previously available public access due to:
 - Changes in land ownership resulting in prior informal public access ceasing
 - Landowners blocking off access to previously accessible unformed roads
 - Landowner disagreements or uncertainty around margin boundaries, ownership or rights of access, including location of unformed roads
- Issues affecting usability of existing public access
 - People leaving objects (eg boats, trailers) blocking public access
 - Lack of footpaths
 - Wasps nests on accessways
 - Private events or commercial operators using vehicle parking and access ways
 - Damage from forestry activities
 - Lack of signage to highlight public access ways or inappropriate signage – particularly for beach access points
 - Erosion of coastal access and public use exacerbating erosion
- Activities affecting margins or water health
 - Stock access to river margin areas
 - Removal of trees/vegetation on access tracks and margin areas, including discharge of cut grass to waterbody
 - Storage of materials in margin areas
- Uncertainty or queries about activities able to be undertaken in margins
 - Queries about ‘riparian rights’ for undertaking various activities and for public access
 - Queries on restoration/planting/fencing/pest management in margin areas

3.9 Effectiveness

This section provides an analysis of the efficiency and effectiveness of Chapter 8 of the TRMP. It focuses on the achievement of objectives contained within the chapter. The analysis draws on the information in earlier chapters, as well as environmental data, council records, experienced plan users, as well as public and stakeholder opinion.

3.9.1 Objective 8.1.2: Public Access

Objective 8.1.2	Analysis	Rating of Achievement
The maintenance and enhancement of public access to and along the margins of lakes, rivers, wetlands and the coast, which are of recreational value to the public.	We do not currently have adequate measures of the accessibility of waterbody margins to public, and do not have a comparison of change over time to determine the extent and speed of improvement or a comprehensive priority list to compare progress against.	Unable to determine progress - there has been definite progress through Council land acquisition, but this is very slow due to implementation mechanisms being largely via land acquisition upon subdivision.

3.9.2 Objective 8.2.2: Natural Character

Objective 8.2.2	Analysis	Rating of Achievement
<p>Maintenance and enhancement of the natural character of the margins of lakes, rivers, wetland and the coast, and the protection of that character from adverse effects of the subdivision, use, development or maintenance of land or other resources, including effects on landform, vegetation, habitats, ecosystems and natural processes.</p>	<p>We do not currently have adequate measures of the natural character of waterbody margins and do not have a comparison of change over time to determine if there has been an improvement or ongoing degradation.</p> <p>There have been many and recent instances of poor waterbody margin management including:</p> <ul style="list-style-type: none"> • Destruction of wetlands • Removal of riparian vegetation causing damage • Grazing of riparian and wetland vegetation • Cropping of margins up to water’s edge in rural areas • Buildings too close to waterbody margins (eg Bate-up road) and insufficient allowance for ‘room for rivers’ requiring armoring 	<p>Unable to determine progress</p> <p>But likely that this objective has not been achieved.</p>

3.10 Efficiency

The issues in Chapter 8 regarding the lack of clear policy mapping, and lack of clear implementation through the rules and non-regulatory methods, and inconsistently linked management aspects across the district and regional plans suggest the current framework is inefficient. It often relies on indirect implementation by various Council departments operating under different legislation and with different drivers.

The apparent lack of use of the prioritisation work undertaken in the Riparian Land Management Strategy to inform margin management for both public access and natural character is a significant inefficiency in the process and means that outcomes have not been pursued or funded under a comprehensive strategy since 2001.

Interestingly, a similar conclusion has been reached in the efficiency assessment for Chapter 14 which concludes "*The current structure [of Chapter 14] reduces the clarity as to the relative roles of the TRMP versus the Community Development reserves and open space planning documents*".

The land acquisition process through rule set 16.4 is efficient from a cost of land perspective for lots smaller than 4ha. However, it is inefficient in terms of the timeframes to acquire land along waterbodies to then enable implementation of initiatives to preserve and enhance public access and natural character. In addition, the application of this rule set is limited and does not address all water body types and sizes identified within Chapter 8.

The potential for increased closure of zones near waterbodies to avoid natural hazards may also reduce the extent of subdivision occurring with a reduction in the effectiveness of the esplanade and strip acquisition process.

In addition, the land acquisition process is influenced both positively and negatively by the zoning in the TRMP. Zoning that enables subdivision below 4 hectares supports esplanade acquisition at low cost to the community. However, for land above 4 hectares in size, the zoning influences the valuation of land, and zones that suggest development potential (regardless of actual development

potential) result in higher prices payable for margin land. Consideration of zoning that better reflects actual development potential or constraints in margin areas is recommended. This would also help address the perception that zoned land is always suitable for the zone purposes, and potentially assist in hazard avoidance by keeping assets out of margin areas.

Furthermore, as previously mentioned, the non-regulatory methods for both public access and natural character frameworks have had limited and varying levels of achievement. In particular there is a lack of a strategic approach to the non-regulatory methods and it appears these have not been adequately considered through the Long Term Plan process for gaining sufficient funding to be progressed. As there is limited data collected on the scale and extent of the non-regulatory activities that have been undertaken, it is unclear how successful these methods have been in helping to achieve the objectives for waterbody margins across the Tasman district.

As outlined in section 0 and in the recommendations (refer section 0) there are several options potentially available for making the frameworks for achieving the objectives of Chapter 8 more directive and clear in their application – and therefore more effective and efficient.

Appendix 1: References

- Leathwick, J. (2019) Indigenous Biodiversity Rankings for the Tasman Region Report, prepared for the Tasman District Council, July 2019
- Leusink-Sladen, Sonya. (2018, December). Tasman Resource Management Plan – Policy Mapping: Review of the Internal Consistency and Integrity of the Plan Objectives, Policies and Rules [Draft].
- Tasman Law (2019, June). Legal Report for Section 35 TRMP Review.

Appendix 2: Comparison of Setback in Different Zones and Waterbody Types

The table below summarises the setbacks for buildings between different land use zones and for different water body types covered by Chapter 8.

Provision for consistent setbacks of all non-essential buildings and structures (ie ones that do not need to be in margin areas) would assist in preserving natural character, and provide space to enable restoration and enhancement of degraded natural character. Exceptions should be focused on buildings/structures that need to be located in margins to facilitate network passage across waterbodies (eg bridges and pipelines).

Table 10: Comparison of Building Setbacks across Different Zones and Waterbody Types

Zone	Rivers				Wetlands	Lakes ¹⁷	Coast (in CEA rules*)
	<1.5m wide	1.5-5m wide	5-20m wide	20+m wide			
17.1.3 Residential Zone	3m	8m	20m	none	none	none	30m*
17.2.4 Central business, commercial and tourist Zones	8m		20m	none	none	none	30m*
17.3.3 Mixed Business Zone	8m		none	none	none	none	30m*
17.4.3 Industrial Zone	8m		20m	none	none	none	30m*
17.5.3 Rural 1 Zone	8m		20m		none	20m	100m*
17.6.3 Rural 2 Zone	8m		20m		none	20m	100m*
17.7.3 Rural 3 Zone	8m		20m		none	20m	100m*
17.8.3 Rural Residential Zone	8m		20m		none	20m	50m*
18.11 Coastal Environment Area EA rules	10m (Neiman's Creek, Awaroa)		NA		NA	NA	10-100m*

*There are specific references to both larger and smaller coastal setbacks from MHWS in the Coastal Environment Area rules (18.11) for zones adjacent to the Waimea inlet, in the Richmond West Development Area, Milthorpe, Awaroa, Lower Queen Street, Golden Edge and Motueka, including for some specific land parcels.

¹⁷ The TRMP definition of lake excludes any artificial pond or water supply impoundment less than 1ha in area.

Appendix 3: Chapters with Overlap with Chapter 8

Table 11: Summary of Chapter 8 Topics covered in Other Plan Chapters

Chapter	Issue / Objectives	Policies	Margins of Water Bodies	Public Access	Natural Character Freshwater Bodies	Natural Character Coastal Areas
District Plan Chapters						
5 Site Amenity Effects	5.1.2	5.1.3.12		-	✓ wetlands	✓ coastal land
6 Urban Environment Effects	6.3.2.1 6.3.2.2 6.4.3.4 6.5.2.1 6.5.2.2 6.8.1.2 6.9.1.7 6.11.1.4 6.12.1.2 6.12.1.4	6.3.3.6 6.4.3.4 6.5.3.7 6.8.3.4 6.11.3.2 16.12.3.3 6.13.3.6 6.13.3.14 6.15.3.4 6.15.3.6	✓ Water and vegetation; Coastal landscapes, estuaries & wetlands; Waimea inlet; Recreation & conservation; Coastal, inlet, sandspit; Ruby Bay cliffs	✓ Incl. estuary; Marahau/ Abel Tasman foreshore; Mapua foreshore	✓ Natural values; incl Lake Rotoiti	✓ Natural values, Natural heritage values; coastal values, estuaries,
7 Rural Environmental effects		7.2.3.11 7.3.3.3 7.3.3.6 7.3.3.11	✓ CTA		✓	✓ Inc. CTA
9 Landscape		9.1.3.7 9.1.3.9	✓ Coastal environment, margins			
10 Significant Natural Values and Historic Heritage	10.1.2	10.1.3.5			✓ T/EGB	✓ T/EGB
11 Land Transport effects	Method (I/M) 11.2.20.2		✓ Roads on river margins			
13 Natural Hazards	Method (Reg) 13.1.20.1		✓ Coast & river margins			
14 Reserves and Open Space	14.1.2 14.2.2	14.1.3.7 14.2.3.7B	P	P	✓	✓

Chapter	Issue / Objectives	Policies	Margins of Water Bodies	Public Access	Natural Character Freshwater Bodies	Natural Character Coastal Areas
	14.3.2	14.3.3.2	Stormwater management corridors			
Regional Plan Chapters						
21 Effects of disturbance, structures and occupation on Coastal Marine Conservation, Heritage, Access and Amenity Values	21.1.2 Preservation of Natural Character 21.2 protection of habitats and ecosystems 21.4.2 (reasons) 21.6 Effects of Public Access 21.7.2	21.1.3.1 21.1.3.3 21.2.3.1 21.2.3.3 21.2.3.8 21.2.3.22 21.6.3.1 21.6.3.2 21.6.3.3 21.7.3.1	✓ Coastal margins and land adjoining CMA	✓ To and from CMA		✓ CMA & margins, coastal land, estuaries
22 Aquaculture	22.1.2	22.1.3.8		✓ To coastal space and resources		✓ Coastal environment
23 Natural Hazards and Hazardous Substances	23.1.2	23.1.3.1 23.1.3.3 23.1.3.7 23.1.3.8	✓ Coastal environment, coastal protection structures, CEA			
24 Effects of Noise	I- 24.1.1 O- 24.1.2	24.1.3.1				✓ Coastal environment
27 Activities in the Beds and on the Surface of Rivers and Lakes	I-27.1 27.1.2.1 27.1.2.2 O-27.2.2 AER 27.50.12 Methods 27.2.20.1 (reg) 27.2.20.3 (I/M)	27.1.3.6 27.6.3.1 27.7.3.1 27.7.3.2	✓ River and lakes, land adjacent, riparian margins Incl. Ref to Chapter 8	✓ River and lakes	✓ River and lakes and their margins	

Chapter	Issue / Objectives	Policies	Margins of Water Bodies	Public Access	Natural Character Freshwater Bodies	Natural Character Coastal Areas
	27.6 Natural Character, Landscape, Cultural, Recreational And Amenity Values O-27.6.2 Reasons 27.6.30 27.7.2					
30 Taking, Using, Damming and Diverting Water	30.0.2.3 30.0.3 30.0.4 30.1.2.2	30.1.3.12 30.1.3.26	✓ Waterbody and wetlands		✓ Waterbody and their margins, wetlands	
33 Discharges to Land and Freshwater	There is no mention of public, access, natural character or margins in Chapter 33, although there is reference to natural values, waterbodies and riparian land and coastal land	33.1.3.12	Riparian and coastal land management			
35 Discharges to coastal marine area			✓ Estuaries			✓ Coastal environment, CMA

Appendix 4: Other Provisions referencing Natural Character or Elements

Table 12: Summary of Provisions referencing Natural Character (or Natural Character Elements)

Chapter	Policy Text [...] indicates abbreviation (underlined emphasis added)
District Plan	
Chapter 5 Site Amenity Effects	Objective 5.1.2 Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.
	Policy 5.1.3.12 To protect the <u>natural character of coastal land</u> from adverse effects of further subdivision, use or development, including effects on: [...]
	Methods 5.3.20.2 Education and Advocacy (b) Advice and information on amenity issues, including landscaping, <u>retaining and enhancing natural character</u> .
	Principal Reasons and Explanation 5.3.30. The community preference for low-density urban areas conflicts with the need to limit urban encroachment onto two of the District’s land resources: the limited amount of land of high productive value; <u>and the coastline, where natural character is prominent</u> .
Chapter 6 Urban Environment Effects	Policy 6.1.3.3 To ensure the establishment of <u>riparian planting along urban waterways to maintain and enhance water quality and natural habitats</u> , improve indigenous biodiversity of the catchment, and reduce stream bank erosion while providing access for channel maintenance
	Policy 6.3.3.6 To allow development to occur only where adequate provision is made for: [...] (c) protection of <u>fresh water and coastal water quality</u> , including through source control techniques, stream management, and where necessary, stormwater treatment, including aquifers and karst drainage systems and caves; (d) <u>retention or establishment of appropriate vegetation</u> wherever practicable <u>adjacent to water bodies and coastal waters</u> ; (e) maintenance of <u>natural, cultural and intrinsic values</u> of aquatic systems, including aquifers and karst drainage systems and caves; (f) <u>protection of riparian margins</u> ;
	Objective 6.4.2 Containment of urban subdivision, use and development so that it avoids cumulative adverse effects on the <u>natural character of the coastal environment</u> .
	Policy 6.4.3.4 In the Takaka-Eastern Golden Bay Area, to ensure that: [...] (g) legal and physical protection of the <u>margins of coastal landscapes</u> that have <u>high natural heritage values</u> , such as <u>estuaries and coastal wetland</u> environments, is required;
	Methods 6.4.20.1 Regulatory (a) Zones that limit the extent of settlements in the coastal environment. (b) Rules that limit the effects of residential lots in the rural coastal margin.
	Policy 6.5.3.7 To prevent the expansion of industrial zones, or the creation of new industrial zones, in sensitive environments such as aquifer recharge areas and <u>margins of lakes, rivers and wetlands</u> .
	Policy 6.8.3.4 To develop a reserve network along the <u>coastal margin</u> where practicable to protect the <u>wetlands and high conservation values</u> of the Waimea Inlet and to provide reserve linkages between the coastline and the Richmond hills.
	Methods 6.8.20.3 Works and Services (a) Develop a <u>riparian and coastal reserves network</u> for Richmond.
	Policy 6.11.3.2 In the Takaka-Eastern Golden Bay Area, to: [...] e) consider low impact building design, low-density rural-residential development at the Motupipi Hill location, <u>subject to the assessment, identification, long-term protection and restoration of coastal</u>

	<p>values, especially sensitive estuarine margins; public access opportunities; the assessment, identification and protection of significant landforms; and appropriate infrastructure services (including that of State Highway 60), including suitable access;</p> <p>Policy 6.13.3.6 To enable a limited amount of new residential growth at St Arnaud adjacent to Borlase Avenue and in depth on the north side of State Highway 63 behind existing development, subject to the implementation of wastewater measures designed to avoid contamination of Lake Rotoiti or any stream draining to the lake, and <u>to retention of the natural character of the margins of the lake and the national park.</u></p> <p>Policy 6.15.3.6 <u>To avoid new buildings on those parts of the coastal margins, Mapua channel entrance, and Ruby Bay/Te Mamaku cliffs which are most at risk from erosion, slips and inundation</u></p> <p>Environmental Results Anticipated 6.50 6.50.1 Compact and coherent urban form which recognises the need to achieve: (c) <u>protection of the natural character of the coastal environment, wetlands; lakes, rivers, and their margins;</u></p>
Chapter 7 Rural Environmental Effects	<p>Policy 7.2.3.11 To enable the subdivision of land, including by way of boundary adjustment, or amalgamation of land parcels for the preservation of: (a) <u>significant natural values, including natural character, features, landscape, habitats and ecosystems;</u> (b) heritage and cultural values; where preservation is assured through some statutory instrument and statutory manager.</p> <p>Policy 7.3.3.3 To ensure that the valued qualities of the Coastal Tasman Area, in particular rural and <u>coastal character, rural and coastal landscape, productive value of the land, and the coastal edge and margins of rivers, streams and wetlands are identified and protected from inappropriate subdivision and development.</u></p> <p>Policy 7.3.3.6 To protect rural and <u>coastal character, including landscape and natural character, and productive land and amenity values from development pressures in parts of the Coastal Tasman Area outside the areas where development is specifically provided for, including Kina Peninsula and the land to the west of the Moutere Inlet.</u></p> <p>Policy 7.3.3.11 To improve access and progressively upgrade the road network throughout the Coastal Tasman Area in accordance with development, while avoiding or mitigating adverse effects on landscape, <u>natural character</u> and amenity.</p>
Chapter 9 Landscape	<p>Policy 9.1.3.7 [Proposed C3] To ensure that <u>land disturbance including vegetation removal and earthworks</u> does not adversely affect <u>landscape character</u> and rural amenity value in the <u>Coastal Environment Area</u> in locations of public visibility, particularly where there are distinctive natural landforms.</p> <p>Policy 9.1.3.9 In the Takaka-Eastern Golden Bay Area, to ensure that <u>all coastal margins are assessed for landscape values, namely visual amenity, outstanding landforms and natural heritage values, prior to the rezoning of land for residential purposes.</u></p>
Chapter 10 Significant Natural Values and Historic Heritage	<p>Objective 10.1.2 -Protection and enhancement of indigenous biological diversity and <u>integrity of terrestrial, freshwater and coastal ecosystems, communities and species.</u></p> <p>Policy 10.1.3.5 In the Takaka Eastern Golden Bay Area, to ensure that: (e) the <u>natural character of the coastal environment, wetlands, and lakes and rivers and their margins are assessed as part of any structure planning exercise, and maintained or enhanced through the rezoning of land for residential or rural residential purposes;</u></p> <p>Methods 10.1.20.1 Regulatory Rules relating to (c) Rules relating to the destruction or removal of indigenous forest and indigenous vegetation. (d) Information requirements on habitat values in resource consent applications. (e) Rules requiring special building setbacks adjoining Conservation, Recreation and Open Space Zones. (f) Rules regulating the diversion and take of water from wetlands.</p> <p>Methods 10.3.20.1 Regulatory (a) Rules relating to: • the setting aside of esplanade reserves or strips on subdivision of <u>coastal or riparian areas with significant natural values</u> or archaeological or Māori site values.</p>

<p>Chapter 12 Land Disturbance Effects</p>	<p>Objective 12.1.2 The avoidance, remedying, or mitigation of adverse effects of land disturbance, including: (a) damage to soil; (b) acceleration of the loss of soil; (c) <u>sediment contamination of water and deposition of debris into rivers, streams, lakes, wetlands, karst systems, and the coast</u>; (d) damage to river beds, karst features, land, <u>fisheries or wildlife habitats</u>, or structures through deposition, erosion or inundation; (e) adverse visual effects; (f) damage or destruction of indigenous animal, plant, and trout and salmon habitats, including cave habitats, or of sites or areas of cultural heritage significance; (g) adverse effects on indigenous biodiversity or <u>other intrinsic values of ecosystems</u></p> <p>Methods 12.1.20.3 Education and Advocacy (a) Provision of guideline information and advice for appropriate land disturbance practices, particularly in relation to high risk terrains including karst <u>and riparian areas</u>.</p>
<p>Chapter 13 Natural Hazards</p>	<p>Methods 13.1.20.1 Regulatory (c) <u>Rules limiting activities, including subdivision, building and land disturbance, in or adjacent to natural hazard areas (such as stopbanks, eroding coastlines, river margins, steepplands and unstable geological formations).</u></p>
<p>Chapter 14 Reserves and Open Space</p>	<p>Objective 14.1.2 Adequate area and distribution of a wide range of reserves and open spaces <u>to maintain and enhance recreation, conservation, access and amenity values</u></p> <p>Policy 14.1.3.8 To encourage the integration of reserves and open space areas within a whole-catchment and Low Impact Design approach to drainage and the management of stormwater</p> <p>Objective 14.3.2 The conservation of those areas in the District that have <u>significant natural and scientific values</u> such as landform, ecosystems, <u>natural character</u> and heritage values.</p> <p>Policy 14.3.3.2 To manage the range of activities permitted in areas of specific <u>natural value</u> so that they are of a type that provides for the maintenance and enjoyment of the special natural values with least adverse effect on those values.</p> <p>Methods 14.1.20.4 Works and Services (a) Land acquisition for recreation, including: • Use of esplanade reserve entitlement to acquire <u>land adjacent to rivers, lakes, and the coast</u>. • Use of reserve funds to acquire land to <u>facilitate public access to and along the coast and water bodies</u>.</p>
<p>Chapter 16 Rules</p>	<p>Principal Reasons for Rules 16.4.20 It is a matter of national importance to preserve the <u>natural character of the coastal environment, wetlands, lakes and rivers and their margins; and to maintain public access to and along them (except wetlands)</u>. Values that contribute to natural character include the natural functioning of the water body, aquatic and adjacent habitats and water quality. Council may seek to acquire esplanade reserves or esplanade strips to protect or enhance those values, or to provide for public access and recreation to and in such areas. Access strips may also be sought in some circumstances. The Act entitles Council to take an esplanade reserve up to 20 metres wide when land adjacent to the sea or major rivers and lakes of the District is subdivided to allotments less than 4 hectares in area. It enables reserves to be sought where larger allotments are created, but makes compensation payable in those circumstances. Compensation is also payable when a reserve wider than 20 metres is sought from allotments less than 4 hectares. The rule reflects the powers and limitations that the Act gives Council for obtaining reserves when land adjacent to major water features is subdivided.</p> <p>16.10.20 Planting of Woody Vegetation on Berms Obstructions to flood flow on berms are generally undesirable but there are locations where trees, etc., could be acceptable subject to conditions, and riparian bank protection is usually essential.</p>

<p>Chapter 17 and 18 Rules</p>	<p>Principal Reasons and Explanation sections</p> <p>Building Setback from Rivers The setback of buildings from rivers avoids or mitigates the risk to buildings from bank erosion and provides for access in order to maintain channels or bank stability. Setbacks provide a degree of mitigation from flooding. They also provide for open space to maintain natural character, and possible public access or recreational use through esplanade reserves or strips. Setbacks help reduce possible conflicts between river use and adjacent residential or other uses of buildings. The variation in setback from rivers of different widths reflects the varying risks and access requirements.</p> <p>Setback of Buildings from Lake Margins and Other Zone Boundaries The setback of buildings from the margins of natural occurring lakes and large impounded lakes, and from the boundary with Open Space, Recreation and Conservation zones provides for open space to retain natural character and possible public access or recreational use through esplanade reserves or strips. The setbacks also help reduce possible conflict between lake use and adjacent residential or other uses of buildings.</p> <p>Esplanade Reserve, Esplanade Strip or Riparian Vegetation Riparian indigenous vegetation has an intrinsic natural value of its own. It also has associated landscape value and provides recreational and educational opportunities. It may positively contribute to improving the quality of water run-off through reducing or removing contaminants (dissolved or suspended), enhancing water quality by shading effects, and to the control of bank erosion. As several of these values may occur simultaneously, it is reasonable and justifiable for the Council to require a resource consent for the removal or destruction of riparian indigenous vegetation and to consider the need for esplanade reserves or strips. However, a range of routine activities with generally minor effects on riparian indigenous vegetation are not included in this requirement.</p>
<p>Regional Plan</p>	
<p>Chapter 21 Effects of Disturbance, structures, occupation [on coastal values]</p>	<p>Objective 21.1.2 <u>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.</u></p> <p>Policy 21.1.3.1 To avoid, remedy or mitigate adverse effects on <u>the natural character of the coastal marine area</u> from activities, including: (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> <p>Policy 21.1.3.3 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 <u>natural character of the locality, including the natural character of adjoining land.</u></p> <p>Methods 21.1.20.1 Regulatory (a) Rules that control disturbance, including reclamation, deposition, or excavation or removal of material, or structures or other works or activities having adverse effects on: (i) the foreshore or seabed; (ii) the natural movement of water, sediment, biota or air; or (iii) <u>natural ecosystems.</u> (b) Rules that control the effect of structures in areas with significant natural ecosystem values, including estuaries, sand beaches, and <u>areas adjacent to coastal land with significant natural ecosystem values</u>, and which include prohibiting some classes of structures if their adverse effects on those values cannot otherwise be avoided, remedied or mitigated. (c) Rules that control the effects of coastal discharges on natural habitats, plants and animals.</p>

	<p>Methods 21.1.20.2 Investigations and Monitoring (a) <u>Identification of elements of natural character in the coastal marine area</u>, to be applied in the consideration of consent applications. (c) Programme of monitoring coastal marine processes, habitats and ecosystems, <u>and changes to the natural character of the coastal marine area</u> resulting from disturbances, structures, or other uses.</p>
	<p>Methods 21.1.20.3 Education and Advocacy (a) Support for initiatives of other organisations to protect natural and physical resource values that contribute to the <u>natural character of the coastal marine area</u>.</p>
	<p>Performance Monitoring Indicators 21.1.40 21.1.40.1 Extent of disturbance, occupation or structures in the coastal marine area, particularly in those areas with <u>significant natural character</u>. 21.1.40.2 The form and degree of effects on plant and animal species and their habitats; on <u>natural coastal processes and landforms</u>, and on <u>natural character</u> in general.</p>
	<p>Policy 21.2.3.1 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: (a) <u>natural character</u>; [...] (d) public access to coastal marine space; [...]</p>
	<p>Policy 21.2.3.3 To avoid, remedy or mitigate adverse effects of structures or works in the coastal marine area, for any purpose, on: (a) <u>natural character</u>; (d) public access to coastal marine space;</p>
	<p>Policy 21.2.3.8 To avoid, remedy or mitigate adverse effects of beach grooming or replenishment, particularly on public access, amenity values, <u>coastal processes, ecosystems, habitats</u> and lawful structures.</p>
	<p>Policy 21.2.3.22 To protect the margins of the coastal marine area from damage by stock.</p>
	<p>Performance Monitoring Indicators 21.2.40 21.2.40.1 Extent of disturbance, occupation or structures in the coastal marine area, including: (a) the extent to <u>which public access</u> is diminished by structures or private occupation, or navigation impeded; (b) the extent to which the open space and <u>natural character of the coastal marine area</u> are diminished by structures or works;</p>
	<p>Objective 21.4.2 Maintenance of natural <u>coastal processes</u> free from disturbance or impediments.</p>
	<p>Principal Reasons and Explanation 21.4.30 Natural coastal processes such as shoreline change or flooding from the sea are a feature of <u>the coast's natural character</u>, and structures or works may impede or be adversely affected by such processes. The presumption under the Act and the New Zealand Coastal Policy Statement is the maintenance of these processes. It is necessary to control structures or other works to allow processes to run their course.</p>
	<p>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.</p>
	<p>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; (d) ensure consistency consistent with the purpose of a resource consent; or other exceptional circumstances.</p>

	<p>Method 21.6.20.1 Regulatory (a) Rules that prohibit structures that <u>would prevent public access</u> in areas of significant natural value, including estuaries, tidal flats, inshore areas and offshore areas supporting significant coastal marine habitats, except where structures are necessary to protect natural heritage, cultural and spiritual values of the tangata whenua, public health and safety, some scientific purposes and to ensure security consistent with the purpose of a resource consent. (b) Rules that prevent private occupation that impedes <u>public access across</u> the foreshore. (c) Rules that prohibit occupation by structures where their <u>adverse effects on natural character, natural ecosystems</u> and public interest, cannot otherwise be avoided, remedied or mitigated. (g) Rules that regulate the effects of disturbance, structures or occupation on <u>public access</u> in the coastal marine area.</p> <p>Objective 21.7.2 Maintenance and enhancement of the amenity value derived from the <u>natural character of the coastal marine area.</u></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 <u>or coastal land</u>, particularly on those <u>values dependent on natural character</u>, such as in areas adjacent to national parks, estuaries and open beaches, and taking into account: [...]</p> <p>Principal Reasons and Explanation 21.7.30 The amenity value of the coastal marine area and of <u>adjacent coastal land</u> may be adversely affected by physical modifications and structures and its maintenance is a key element of the natural character of the coastal marine area. It is necessary to control the amenity effects of structures, disturbances or other activities, particularly as these may also affect the natural character of the coastal marine area.</p>
Chapter 22: Aquaculture	<p>Objective 22.1.2 Aquaculture developed in a manner that maintains, enhances, or protects the natural and physical resources of the coastal environment, including the life-supporting capacity of marine ecosystems and the <u>natural character</u>, landscape, ecological, <u>public access</u>, recreational and amenity values, and the values important to the tangata whenua iwi, while avoiding, remedying or mitigating adverse effects.</p>
Chapter 23: Natural Hazards and Hazardous Substances	<p>Objective 23.1.2 Subdivision, use or development of coastal land that avoids the need for protection works against hazards from natural coastal processes.</p> <p>Policy 23.1.3.1 To assess the likely need for coastal protection works when determining appropriate subdivision, use or development in the coastal environment and, where practicable, avoid those for which protection works are likely to be required.</p> <p>Policy 23.1.3.3 To prevent natural hazards being aggravated by subdivision, use or development, including offsite effects of any coastal protection works.</p> <p>Policy 23.1.3.7 To promote the maintenance and enhancement of coastal vegetation in areas at risk from coastal erosion.</p> <p>Policy 23.1.3.8 To avoid new subdivision, use or development that would hinder the ability of natural systems and features (such as beaches, dunes, wetlands or barrier islands) to protect existing subdivision, use or development from natural hazards (such as erosion, inundation, storm surge, or sea level rise).</p> <p>Methods 23.1.20.1 Regulatory (a) Rules that allow certain existing coastal protection structures, but control their adverse effects on coastal processes. (b) Rules that control likely adverse effects of other structures or works for coastal protection purposes. (c) Rules that control buildings and subdivision on coastal land, including in the Coastal Risk Area and the Coastal Environment Area.</p>
Chapter 24: Noise Emissions	<p>Objective 24.1.2 A coastal marine area in which noise levels do not adversely affect natural character, amenity values or wildlife in the coastal environment.</p> <p>Policy 24.1.3.1 To avoid, remedy or mitigate adverse effects of noise from activities in the coastal marine area on the natural character of the coastal environment and in places where natural quietness contributes to the amenity value of a coastal locality.</p>

Chapter 27: Activities in the Beds and on the Surface of Rivers and Lakes	<p>Objectives 27.1.2.1 The maintenance, restoration and enhancement, where appropriate, of aquatic habitats in the beds of rivers and lakes that is sufficient to:</p> <ul style="list-style-type: none"> (a) preserve their life-supporting capacity (including the mauri of the water); (b) protect their values for native fisheries (including inanga and eels), trout fisheries and wildlife (including indigenous bird species); (c) protect or enhance indigenous biodiversity values.
	<p>Objective 27.1.2.2 Activities in, on, under, or over the beds of rivers and lakes are carried out in a way that avoids, remedies, or mitigates adverse effects on aquatic ecosystems, including in particular:</p> <ul style="list-style-type: none"> (a) aquatic habitats of: <ul style="list-style-type: none"> (i) indigenous freshwater fish; (ii) indigenous birds and other wild life, including river bed nesting habitats; (iii) trout; (b) braided and lowland river ecosystems; (c) fish passage.
	<p>Policy 27.1.3.6 To promote and encourage the establishment and management of appropriate vegetation in riparian margins and river and lake beds to:</p> <ul style="list-style-type: none"> (a) protect the bed (including the banks) from erosion and adverse effects of flooding; (b) enhance the aquatic ecosystems and habitat for flora and fauna; (c) enhance indigenous biodiversity; (d) maintain hydrological regime of the river, including its hydraulic power and energy regime; (e) maintain efficiency of river channels; (f) protect structures in the beds; <p>while avoiding, remedying, or mitigating adverse effects of planting and self-sown vegetation in river and lake beds, including effects on:</p> <ul style="list-style-type: none"> (i) the hydrological regime of the river, including its morphology, hydraulic power and energy regime; (ii) bed and bank stability; (iii) efficiency of river channels; (iv) indigenous biodiversity; (v) ecosystem health and functioning.
	<p>Methods 27.1.20.4 Works and Services</p> <p>(b) Management of riparian vegetation and vegetation in river beds through the Rivers Activity Management Plan in a way that is consistent with Plan policy.</p>
	<p>Principal Reasons and Explanation 27.1.30 See Pest plants are specifically prevented from being established through the Council’s Pest Management Strategy. In addition, the Council recognises the adverse effects of establishing crack and grey willow species. Policies 27.1.3.6 and 27.1.3.7 seek to avoid the adverse effects while enhancing the beneficial effects of vegetation planting. See also method 27.4.20 where provision of support for sustainable management of riparian areas is included.</p> <p>This policy approach is consistent with related riparian land management policies in Chapter 8 of Part II and Chapter 33 of Part VI.</p>
	<p>Objective 27.2.2 Retention or enhancement of the traditional values held by Māori under tikanga for <u>rivers and lakes and their margins</u>, including the mauri (or life-supporting capacity) and the wairua (or spiritual value) of rivers and lakes.</p>
	<p>Methods 27.2.20.1 Regulatory</p> <p>(a) Rules that ensure impact of activities on Māori values are taken into account, including through Part II provisions for cultural heritage sites on land adjacent to river and lake beds.</p>
	<p>Methods 27.2.20.3 Investigations</p> <p>(a) As part of Method 10.2.20.2(a), collaborate with and assist Māori to identify all significant cultural heritage sites, including wāhi tapu, wāhi tapu areas, and wāhi taonga within or close to river and lake beds.</p>

	<p>Methods 27.3.20.2 Education and Advocacy (a) Education and advocacy to promote good stream management practices that help avoid or mitigate damage from bed and bank erosion. (b) Assistance, including advice and funding, for riparian planting and fencing to help manage adverse effects of bank erosion.</p>
	<p>Methods 27.3.20.4 Monitoring and Investigation (b) Investigation of options for preparation of river management plans that address the range of river functions, values and uses including management of the river bed, adjacent riparian land and land within stopbank areas</p>
	<p>Principal Reasons and Explanation 27.3.30 The Waimea River Park Management Plan provides an example of an integrated approach to managing the river, adjacent riparian land and land within the stopbanks that might be applied to other rivers or parts of rivers. The consultative process involved many community interest groups and stakeholders and provides an overview of management issues and methods for managing them. The Plan recognises this as a potentially useful management tool to assist in making decisions about river management.</p>
	<p>Methods 27.4.20.2 Education and Advocacy (c) Assistance, including advice and funding, for riparian planting and fencing to help manage adverse effects on water quality from stock and bank erosion.</p>
	<p>Objective 27.6.2 The maintenance and, where appropriate, the enhancement of: (a) the natural character, amenity, recreational and cultural values and (b) public access to rivers and lakes; as a result of activities in the beds and on the surface of rivers and lakes.</p>
	<p>Policy 27.6.3.1 To avoid, remedy or mitigate adverse effects of structures and activities in, on, under or over river and lake beds or on the surface of rivers and lakes on: (a) natural character; (b) landscape values; (c) amenity, cultural and social values, including recreational values such as whitebait fishing, trout fishing, game bird hunting, swimming, and other surface water activities, including canoeing and kayaking; and including adverse effects arising from noise and congestion in or on rivers or at access points arising from commercial (motorised) activities, and to maintain or enhance, where appropriate, public access to rivers and lakes.</p>
	<p>Principal Reasons and Explanation 27.6.30 Policy 27.6.3.1 recognises that structures and activities can impact on natural character, landscape, amenity, cultural and social values, and on public access to rivers. The Council will ensure that adverse effects of activities carried out in rivers and lakes on these values will be properly managed through rules and other methods. The policy and related rules also ensure that public access to rivers, especially for recreation, is maintained and enhanced where appropriate. In some situations, adverse effects on ecosystems on public safety may require public access to be restricted. (Impact of these activities on wildlife habitats is covered in section 27.1).</p>
	<p>Objective 27.7.2 Increased and improved public knowledge of all uses and values of rivers and lakes and their margins through the development of Council systems to collect, store, evaluate and make available such information.</p>
	<p>Policy 27.7.3.1 When assessing applications to carry out activities in the beds of rivers and lakes to: (a) take into account the uses and values of a river or lake stated in Schedule 30A; (b) take into account other likely uses and values of the water body and their potential significance that have not been stated in the Schedule; (c) adopt a precautionary approach in avoiding, remedying, or mitigating potential adverse effects if there is no significance assessment of stated values, and in particular, any natural character values and the significant habitat value of indigenous fauna.</p>

	<p>Policy 27.7.3.2 To continue to collect information about actual and potential uses and values of rivers and lakes and their significance and use this information to develop Schedule 30A and to support appropriate management objectives and methods for rivers and lakes and their margins, especially for water bodies that:</p> <ul style="list-style-type: none"> (a) have regional or national significance; (b) may have competing uses and values. <p>Anticipated Environmental Results 27.50 27.50.12 The mauri and wairua of rivers and lakes are not adversely affected by structures and activities on the beds or margins of lakes or rivers.</p>
<p>Chapter 30: Taking, Using, Damming and Diverting Water</p>	<p>Policy 30.1.3.21 To avoid, remedy or mitigate adverse effects on the uses and values of the water body from the extraction of gravel from riverbeds, taking into account adverse effects on: (c) aquatic ecosystems and riparian habitat;</p>
	<p>Objective 30.1.2.1 The maintenance, restoration and enhancement, where necessary, of water flows and levels in water bodies that are sufficient to:</p> <ul style="list-style-type: none"> (a) preserve their life-supporting capacity (the mauri of the water); (b) protect their natural, intrinsic, cultural and spiritual values, including aquatic ecosystems, natural character, and fishery values, including eel, trout and salmon habitat, and recreational and wildlife values; and
	<p>Objective 30.1.2.2 The maintenance, restoration and enhancement, where possible, of the quality and extent of wetlands in the District.</p>
	<p>Policy 30.1.3.12 When assessing resource consent applications to take water, particularly those applications to take water from water bodies where no allocation limit has been established, to take into account actual and potential adverse effects, including cumulative adverse effects of the proposal in combination with any existing authorised takes, on:</p> <ul style="list-style-type: none"> (a) natural character of the water body and its margins; (b) associated wetlands; (c) cultural and spiritual, amenity and recreational values; (d) aquatic habitat, including plants and animals; [...]
	<p>Policy 30.1.3.23 When assessing applications to dam water, to:</p> <ul style="list-style-type: none"> (a) take into account adverse effects of the damming, including the effects of the volume, velocity, frequency, and duration of flow releases from the dam, either by itself or cumulatively with other dams, on: (viii) riparian habitat;
	<p>Policy 30.1.3.25 To avoid, remedy or mitigate adverse effects of diversion of water, including (vi) aquatic and riparian ecosystems, including wetlands and habitats for indigenous vegetation or fauna;</p>
	<p>Policy 30.1.3.26 To recognise the importance of naturally occurring wetlands and their margins as unique, scarce and vital ecosystems with a range of significant values, including natural character, and to protect and maintain or restore existing naturally occurring wetlands.</p>
<p>Method 30.1.20.2 Education and Advocacy (h) Provision of information and advice about establishment of wetlands, and their margins, and restoration or protection of existing wetlands, including enhancement of values in wetlands that are not naturally occurring.</p>	
<p>Principal Reasons and Explanation 30.1.30 The significant uses and values for the major rivers, lakes, aquifers and some major wetlands in the District are listed in Schedule 30A, along with the management objectives that Council has adopted. [...]The Council is also developing a database, which identifies uses and values in more detail for specific water bodies or parts of water bodies. Council does not yet have full information about the range of uses and values of all the water bodies in the District.[...] The database and the Schedule will be developed to reflect the range of uses, values and management objectives and methods that relate to all aspects of water body management. The revised schedule will be added to the Plan as a further variation (or change). It will contribute to decision-making in respect of activities in the riparian management zone (addressed in Part II and Part IV), as well as water classification (Part VI) and land disturbance activities (Part II, Chapter 18) that have the potential to affect water body uses and values.</p>	

	<p>Policy 30.1.3.31 To avoid, remedy or mitigate adverse effects on wetlands and their margins, including cumulative adverse effects as a result of taking, damming, diverting or discharging water, including by infilling, when considering resource consent applications for those activities, taking into account its degree of significance assessed under Policy 30.1.3.27.</p>
<p>Chapter 33: Discharges to Land and Fresh Water</p>	<p>Policy 33.1.3.12 To seek to improve water quality by appropriate riparian and coastal land management.</p>
	<p>Method 33.1.20.2 Education and Advocacy (b) Provision of information and advice concerning sustainable practices, including best practicable options for contaminant discharges and riparian and coastal land management to improve or maintain water quality.</p>
	<p>Method 33.1.20.4 Financial Incentives (a) Council funding to support riparian land management works agreed to between the Council and the landowner, in accordance with the following criteria: [...]</p>
	<p>Principal Reasons and Explanation 33.1.30 Riparian zones provide a buffer between land use activities and surface water quality. There are some land uses that may have an adverse effect on water quality. The policies recognise that management of riparian zones and appropriate changes to land management practices can be a very effective means of reducing the impacts of catchment development on watercourses.</p>
	<p>Principal Reasons and Explanation 33.3.30 Where possible, a low impact stormwater design approach to management is considered to be the best approach to managing stormwater run-off. This approach minimises modification to the natural environment, or makes use of management approaches that mimic natural drainage networks. The retention of vegetation, natural drainage contours and existing waterways (including riparian buffer strips) within catchments will reduce the rate of stormwater run-off, increase infiltration and groundwater recharge, encourage healthy aquatic ecosystems and improve water quality.</p>

Appendix 5: Other Provisions referencing Public Access to Waterbody Margins

Table 13: Summary of Provisions referencing Public Access

Chapter	Policy Text [...] indicates abbreviation (underlined emphasis added)
6 Urban Environment Effects	Policy 6.11.3.2 In the Takaka-Eastern Golden Bay Area, to: [...] e) consider low impact building design, low-density rural-residential development at the Motupipi Hill location, subject to the assessment, identification, long-term protection and restoration of coastal values, especially sensitive estuarine margins; <u>public access opportunities</u> ; the assessment, identification and protection of significant landforms; and appropriate infrastructure services (including that of State Highway 60), including suitable access;
	Policy 6.12.3.3 To promote the concept of an amenity plan for the rear yards of Tasman Street, Collingwood properties which adjoin the Ruataniwha Inlet to <u>enhance public use of the adjoining estuarine margin</u>
	Methods 6.12.20.3 Investigations (a) Investigate opportunities for <u>public access along unformed legal roads</u> , particularly as routes for public walkways, and consider safety at public road interfaces.
	Policy 6.13.3.14 To ensure facilities servicing visitors to Marahau and the Abel Tasman National Park are compatible with the natural environment and do not adversely affect <u>public access to the foreshore</u> .
	Policy 6.15.3.4 To maintain Mapua wharf and its historic wharf buildings as a vibrant and active visitor destination, incorporating the eastern part of the ex Fruitgrowers Chemical Company site to provide for a limited extension of visitor attractions that complements the historic and low key maritime atmosphere and <u>enhances public access to and along the foreshore</u> .
Chapter 11 Land Transport Effects	Methods 11.2.20.2 Investigations and Monitoring (b) Investigation in consultation with affected landowners of <u>walkway or cycleway linkages</u> , for example, <u>on road reserves (formed or unformed)</u> , <u>along river margins</u> , between national parks and elsewhere, where appropriate.
Chapter 14 Reserves and Open Space	Objective 14.1.2 Adequate area and distribution of a wide range of reserves and open spaces <u>to maintain and enhance recreation, conservation, access and amenity values</u>
	Policy 14.1.3.7 To identify, acquire, and manage land, including esplanade reserves and road reserves, to <u>facilitate public access to water bodies and the coast</u> .
	Methods 14.1.20.3 Education and Advocacy (a) Liaison and negotiation with other major open space providers. (b) Consultation with landowner representatives, community and environmental interest groups, relevant government agencies, and technical experts, to assess methods for <u>maintaining and enhancing public access to and along the margins of the coastal marine area, lakes and rivers, and water bodies that are identified as priorities for public access</u> .
	Methods 14.1.20.4 Works and Services (a) Land acquisition for recreation, including: •Use of esplanade reserve entitlement to acquire <u>land adjacent to rivers, lakes, and the coast</u> . •Use of reserve funds to acquire land to <u>facilitate public access to and along the coast and water bodies</u> .
	Principal Reasons and Explanation 14.1.30 - An adequate amount and equitable distribution of open space across the District is necessary to ensure all residents have easy access to open space. A standard of provision helps ensure adequate distribution. The Council will acquire new reserves primarily at the time of subdivision. <u>The issue of access to and along water bodies and the need for riparian reserves is covered more fully in Chapter 8.</u>
Chapter 21 Effects of Disturbance,	Policy 21.2.3.1 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, occupation [on coastal values]	structures or works on: (a) natural character; [...] (d) <u>public access to coastal marine space</u> ; [...]
	Policy 21.2.3.3 To avoid, remedy or mitigate adverse effects of structures or works in the coastal marine area, for any purpose, on: (a) natural character; (d) <u>public access to coastal marine space</u> ;
	Policy 21.2.3.8 To avoid, remedy or mitigate adverse effects of beach grooming or replenishment, particularly on <u>public access</u> , amenity values, coastal processes, ecosystems, habitats and lawful structures.
	Performance Monitoring Indicators 21.2.40 21.2.40.1 Extent of disturbance, occupation or structures in the coastal marine area, including: (a) the extent to which <u>public access</u> is diminished by structures or private occupation, or navigation impeded; (b) the extent to which the open space and <u>natural character of the coastal marine area</u> are diminished by structures or works;
	Objective 21.6.2 Maintenance and enhancement of <u>public access</u> in the coastal marine area, including <u>public passage</u> or navigation: (a) <u>while preserving natural character</u> , 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.
	Policy 21.6.3.1 To avoid, remedy or mitigate adverse effects of facilities <u>for access to and from the coastal marine area</u> .
	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 <u>public access to</u> or in that area.
	Policy 21.6.3.3 <u>Public access in the coastal marine area</u> 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; (d) ensure consistency consistent with the purpose of a resource consent; or other exceptional circumstances.
Method 21.6.20.1 Regulatory (a) Rules that prohibit structures that <u>would prevent public access</u> in areas of significant natural value, including estuaries, tidal flats, inshore areas and offshore areas supporting significant coastal marine habitats, except where structures are necessary to protect natural heritage, cultural and spiritual values of the tangata whenua, public health and safety, some scientific purposes and to ensure security consistent with the purpose of a resource consent. (b) Rules that prevent private occupation that impedes <u>public access across</u> the foreshore. (c) Rules that prohibit occupation by structures where their <u>adverse effects on natural character, natural ecosystems</u> and public interest, cannot otherwise be avoided, remedied or mitigated. (g) Rules that regulate the effects of disturbance, structures or occupation on <u>public access</u> in the coastal marine area.	
Chapter 22: Aquaculture	Objective 22.1.2 Aquaculture developed in a manner that maintains, enhances, or protects the natural and physical resources of the coastal environment, including the life-supporting capacity of marine ecosystems and the <u>natural character</u> , landscape, ecological, <u>public access</u> , recreational and amenity values, and the values important to the tangata whenua iwi, while avoiding, remedying or mitigating adverse effects.
	Policy 22.1.3.8 To maintain public access to coastal space and resources (except where access is managed under other statutes).

Chapter 24: Noise Emissions	Principal Reasons and Explanation 24.1.30 Noise is potentially an issue in the coastal marine area. This chapter sets out a policy and implementation framework should it become necessary to regulate noise in any particular instance. The policies will be applied to any activity requiring a coastal permit. No rules have been included but could be incorporated by subsequent Plan change (subject to public submissions at that time).
	Environmental Results Anticipated 24.50 24.50.1 Continued use and enjoyment of the coastal environment (including <u>land adjoining the coastal marine area</u>) without disruption by noise from marine activities. 24.50.2 Continued occupation by wildlife of their usual habitat and continued successful breeding.
Chapter 25: Coastal Marine Area Rules	Principal Reasons for Rules 25.2.20 Passage of Craft or Vehicles Passage of craft or vehicles over the surface of the foreshore may damage animal or plant habitats, or interfere with public access or use of this space, and these effects need control.
Chapter 27: Activities in the Beds and on the Surface of Rivers and Lakes	27.6.2 Objective The maintenance and, where appropriate, the enhancement of: (a) the natural character, amenity, recreational and cultural values and (b) public access to rivers and lakes; as a result of activities in the beds and on the surface of rivers and lakes.
	Policy 27.6.3.1 To avoid, remedy or mitigate adverse effects of structures and activities in, on, under or over river and lake beds or on the surface of rivers and lakes on: (a) natural character; (b) landscape values; (c) amenity, cultural and social values, including recreational values such as whitebait fishing, trout fishing, game bird hunting, swimming, and other surface water activities, including canoeing and kayaking; and including adverse effects arising from noise and congestion in or on rivers or at access points arising from commercial (motorised) activities, and to maintain or enhance, where appropriate, public access to rivers and lakes.
	Principal Reasons and Explanation 27.6.30 Policy 27.6.3.1 recognises that structures and activities can impact on natural character, landscape, amenity, cultural and social values, and on public access to rivers. The Council will ensure that adverse effects of activities carried out in rivers and lakes on these values will be properly managed through rules and other methods. The policy and related rules also ensure that public access to rivers, especially for recreation, is maintained and enhanced where appropriate. In some situations, adverse effects on ecosystems on public safety may require public access to be restricted. (Impact of these activities on wildlife habitats is covered in section 27.1). The Council seeks to avoid, remedy or mitigate adverse effects of surface water activities on rivers and lakes on landscape and amenity values, including adverse effects arising from congestion in rivers and lakes or at points of access to rivers and lakes, or adverse effects arising from noise and conflicts between other river users and wildlife. The Council intends to generally permit the use of beds for vehicle access but will impose performance standards to reduce risk of adverse effects. Education and advocacy methods will help to alert people using the beds of rivers for access or recreation, especially through 4-wheel drive activities, about the potential for adverse effects, particularly cumulative effects as number of users increase over time. No regulation in respect of potential effects on amenity or conflict between users is further suggested in relation to vehicles. Council wishes to avoid the creation of adverse effects arising from commercial operations on the surface of rivers which may occur at a rate and scale exceeding the capacity of the river environment to absorb.

Appendix 6: Regulatory Methods Summary

Table 14: Summary of Regulatory Methods Assessment

Objective	Method Type	Method Detail (from TRMP)	Comment / Status
8.1.2	Regulation	(a) Rules requiring setback of structures in riparian and coastal areas to preserve the option of access either now or in the future.	Partially achieved Setbacks are inconsistently applied in different zones and different water body types (refer appendix 0).
		(b) Rules requiring a 20-metre wide esplanade reserve, esplanade strip or access strip to be set aside or created on all subdivisions adjoining lakes, rivers, or the coastal marine area, in locations identified as priorities for public access, with criteria to determine when a greater or lesser width will be required.	Achieved through subdivision rule set 16.4 Criteria set out in Open Space Strategy, although no clear record of priority for access locations – dependent on staff knowledge.
		(c) Rules requiring compliance with design and location standards for access to and from the road network, where access to riparian land or coastal margins is by vehicle.	Achieved Achieved through general road access rules. Unclear how this is applied for paper roads providing potential vehicular access.
8.2.2	Regulation	(a) Identification of an Open Space or Conservation Zone on water margins with natural values, in public ownership.	Partially achieved Only some water margins in public ownership are zoned either open space or conservation zone, yet all will have some natural values (not yet quantified, but could be)
		(b) Rules requiring consent for earthworks and the removal of indigenous vegetation along water margins and in the Coastal Environment Area. Proposed as at 1 November 2008 C3 12/03 [(a)(ii) Proposed]	Partially achieved Through land disturbance rule set 18.5, but only for rivers > 3m wide, lakes and Whanganui Inlet and in the CEA although there is a high threshold in Permitted activity condition for CEA. No controls for wetland margins.
		(c) Rules requiring setback of buildings from water margins	Partially achieved Setbacks are inconsistently applied in the chapter 17 rules sets for different zones and different water body types (refer appendix 0).
		(d) Rules that avoid, remedy, or mitigate effects of activities in the Coastal Environment and Coastal Risk areas.	Partially Achieved Partially achieved Rule sets 18.11 and 18.9 cover the CEA and coastal risk areas respectively, however the coastal risk area Permitted activity rule allows for buildings that are relocatable and not habitable which may not adequately protect natural character. The RDA matters consider natural character. The CEA rules do not cover all activities of concern in margins.

Objective	Method Type	Method Detail (from TRMP)	Comment / Status
		(e) Defined areas on planning maps showing the extent of coastal settlements.	Partially achieved Extent of settlements visible by zone, however unclear how this method is intended to control an effect on margins as there are no rules specifically limiting extension of settlements, except indirectly in CEA rules where matters of RDA rule include natural character.
		(f) Rules requiring the creation of esplanade reserves or esplanade strips when land adjoining lakes, rivers or the sea is subdivided, in accord with the powers and restrictions of Section 230 of the Act.	Achieved
		(g) Rules to prevent adverse effects in the coastal environment from refuse disposal or hazardous substances.	Achieved for refuse which is a non-complying activity in the coastal environment area (18.11).
			Unclear for hazardous substances – requires review in light of RMA changes to obligations regarding hazardous substances
		(h) Rules to limit the risk of fire spreading to areas of high ecological value in coastal and riparian margins, including the use of setbacks, fire-breaks, fire-resistant species, or other boundary management methods.	Limited achievement for margin areas Largely indirectly through other rules. No apparent consideration of this issue in setting building setbacks from margins. Firebreaks allowed for in 18.5, but no requirement for firebreaks in margins. Limit on outdoor burning in CMA, but only to fires >1m wide.
		(i) Rules requiring setback of horticultural plantings and provision of fire-breaks adjoining areas of high ecological value and areas of settlement.	Partially achieved – indirectly through other provisions, however unclear how this provides fully for waterbody margins not classed as high ecological value
		(j) Rules to control the effects of the location and bulk of buildings within 200 metres of the coast, including industrial buildings.	Inconsistently Achieved - through coastal environment area rules (18.11), however inconsistent across the zones and does not seem to have a key driver for protection of natural character
		(k) Rules requiring resource consent for erosion protection structures.	Partially achieved. No clear rule cascade for activity in district plan, but some rules that may be triggered (eg 18.5) Building definition excludes coastal protection structures so coastal risk rules do not apply and this has been an issue were they can be pre-emptively installed above MHWS. Most river erosion protection structures undertaken under Councils global rivers consent under part 4
		(l) Rules to control the use of vehicles on foreshore, beaches and estuary margins.	Partially achieved

Objective	Method Type	Method Detail (from TRMP)	Comment / Status
			<p>No rules in estuary margin areas or CEA rules. No clear reference to the regional rules that control this activity in the CMA (chap 25). Some control in CMA, but rule tagged with “avoid wherever practicable” otherwise rules permissive with conditions not to have effect (ie ambulance at bottom of cliff situation). {Similar permissive controls in river beds (28.3) but with some time period exclusions for bird nesting sites)</p>
		(m) Rules limiting effects of discharges of contaminants to the coastal marine area and water bodies.	<p>Partially achieved via regional policy/rules (chap 33, 35 and 36), but no clear cross reference in chapter 8 to the regional plan. Non-point discharges from land use not well managed in regional rules.</p>

Appendix 7: Non-Regulatory Methods Summary

Table 15: Summary of Non-Regulatory Methods Assessment

Objective	Method type	Method detail (from TRMP)	Dept. or staff responsible	Comment / Status
Public Access				
8.1.2	Education and Advocacy	The use of discussion, workshops, pamphlets and other means to promote opportunities for public access to and along the margins of water bodies and the coastal marine area.	unknown	Limited achievement. Information is provided online for public access relating to council reserves and walkways (eg Council website, Top of the South Maps), and some information is provided by other organisations (eg Walking Access NZ), however this is not for specific access points to all margin areas.
8.1.2	Investigations and Monitoring	Compilation of an inventory of existing public access to riparian land and coastal margins, updated at five-yearly intervals, to be publicly available.	Environmental Information	Not achieved. This has not been undertaken, but may provide a useful resource in review of the Riparian Land Management Strategy. Recently work has been identified in the Waimea Inlet Action Plan to collate this information for the Waimea Inlet.
8.1.2	Investigations and Monitoring	Preparation of a Riparian Land Management Strategy through consultation with affected parties that identifies priority sites or the means of determining priority sites of riparian land and coastal margins for the following purposes: (i) public access; (ii) recreation; (iii) conservation of natural ecosystems; (iv) maintenance and enhancement of water quality; (v) protection of landscape values; (vi) protection of heritage sites; (vii) mitigation of flooding or river erosion mitigation. This Strategy is to be prepared within three years of the Plan becoming operative.	Environmental Information	Limited Achievement. The original strategy document was released in 2001, however the strategy states it will be reviewed annually and given full public review every three years which has not occurred. A full review was recently initiated but is not yet complete. It is unclear if the priorities identified have been adequately connected to the LTP process for funding or recognised in the reserve acquisition process. Review of this strategy may be best using a Freshwater Management Unit based approach, however this document may be superseded by other documents such as the Open Space Strategy.

Objective	Method type	Method detail (from TRMP)	Dept. or staff responsible	Comment / Status
8.1.2	Works and Services	Removal of pest plants and undertaking of physical works to improve public access.	These are two separate issues: pest removal by biosecurity (for some species), and physical works and plant pest control by Community Development (parks/reserves) or Engineering where margins are in public ownership/management	Ongoing, but unquantified. Some has occurred through Council activities while others have been through private actions and other community initiatives. This is unquantified and unclear on scale / extent occurring district wide.
8.1.2	Works and Services	Acquisition or purchase of esplanade reserves and negotiation of esplanade strip and access strip agreements in agreed priority areas or circumstances.	Community Development (Parks and Reserves) and Consents	Achieving, Ongoing This is achieved largely via the subdivision rules in 16.4 (esplanade reserves and strips). The Open Space Strategy includes criteria for prioritising reserve and strip acquisition by Council. It is unclear what role the Riparian Land Management Strategy has played in this process.
Natural Character				
8.2.2	Education and Advocacy	Advice on land management practices that do not adversely affect water bodies, their margins or the coastal environment, particularly practices which reduce erosion, prevent the destruction of riparian vegetation, and maintain or enhance water quality.	Building consents, Environmental Information, Compliance Environmental Education (Environmental Policy have been undertaking some aspects due to lack of other resourcing)	Ongoing Undertaken by a range of staff at a range of scales (individuals to industry wide). Lacking clear program of advice and resources required regarding margins and designated staff leads. Examples include 2019 release of Tasman Erosion and Sediment control guidelines and building consent process, ongoing work with landowners on farm practices.
8.2.2	Education and Advocacy	Promotion of planting of fire-resistant species in coastal environment.	None identified	Unclear Council does not appear to undertake this. Advice is available from FENZ on fire resistant species for around homes. This appears in conflict with potential biodiversity outcomes if only fire-resistant species are promoted.
8.2.2	Education and Advocacy	Preparation of a design guide for buildings in the coastal environment area.	Environmental Policy	Partially Achieved

Objective	Method type	Method detail (from TRMP)	Dept. or staff responsible	Comment / Status
				Urban design guides are provided in appendices 2 and 3 of part 2 of the TRMP for parts of the district, but this does not cover all of the coastal environment area, which is yet to be fully defined in Tasman.
8.2.2	Education and Advocacy	Encouragement of the planting of local indigenous species on private land in coastal and riparian margins.	Environmental Information, Environmental Education	Partially achieved A restoration planting guide is provided on Councils website and advice is provided by staff on planting options. Restoration is also subsidised through the catchment enhancement fund.
8.2.2	Education and Advocacy	Information to the public about the adverse effects of vehicles on the foreshore, and estuary margins.	Environmental Education, Environmental Information.	Partially achieved In some locations signage is used to restrict vehicle access during bird nesting times. This may be put up by other organisations (eg DoC). Recently this task has been identified in the Waimea Inlet Action Plan to collate this information for the Waimea Inlet.
8.2.2	Education and Advocacy	Promotion of land use practices that do not generate the discharge of contaminants to water bodies and the coastal marine area.	Building consents, Environmental Information, Compliance Environmental Education (Environmental Policy have been undertaking some aspects due to lack of other resourcing)	Ongoing Undertaken by a range of staff at a range of scales (individuals to industry wide). Lacking clear program of advice and resources required regarding margins and designated staff leads. Examples include 2019 release of Tasman Erosion and Sediment control guidelines and building consent process, ongoing work with landowners on farm practices.
8.2.2	Financial Incentives	Financial incentives to encourage protection of water bodies, their margins and the coast.	Environmental Information	Partially achieved There is limited subsidy through fencing and catchment enhancement funds. This does not usually include legal protection of margins.
8.2.2	Financial Incentives	Negotiation with landowners where it is appropriate to seek a coastal reserve with a landward boundary that moves in conjunction with changes in the position of mean high water springs.	Community Development (Parks and Reserves) / Consents	Achieved / Ongoing This occurs on a case by case basis, based on staff expertise at the time of subdivision under rules 16.4. In some cases both a esplanade strip and reserve are acquired (eg Waimea Inlet)
8.2.2	Investigations and Monitoring	Monitoring of location, quality and quantity of riparian and coastal vegetation.	Environmental Information, Community Development (Parks and Reserves)	Partially Achieved Limited monitoring done in estuaries. Native Habitat Tasman work done for all TDC reserves. Tasman wide riparian work being done 2019-20 (by Morphum Ltd)

Objective	Method type	Method detail (from TRMP)	Dept. or staff responsible	Comment / Status
8.2.2	Investigations and Monitoring	Monitoring of water quality attributable to different riparian vegetation regimes.	Environmental Information	Not Achieved Not specifically monitored.
8.2.2	Investigations and Monitoring	Monitoring of extent and quality of indigenous coastal vegetation, rate of subdivision along coastline and number and type of enhancement projects.	Environmental Information	Not Achieved Not specifically monitored.
8.2.2	Investigations and Monitoring	Preparation of a Riparian Land Management Strategy, through consultation with affected parties, that identifies priority sites or the means of determining priority sites of riparian land and coastal margins for the following purposes: (i) public access; (ii) recreation; (iii) conservation of natural ecosystems; (iv) maintenance and enhancement of water quality; (v) protection of landscape values; (vi) protection of heritage sites; (vii) mitigation of flooding or river erosion mitigation.		Limited Achievement. The original strategy document was released in 2001, however the strategy states it will be reviewed annually and given full public review every three years which has not occurred. A full review was recently initiated but is not yet complete. It is unclear if the priorities identified have been adequately connected to the LTP process for funding or recognised in the reserve acquisition process. Review of this strategy may be best using a Freshwater Management Unit based approach, however this document may be superseded by other documents such as the Open Space Strategy
8.2.2	Works and Services	Programmes to remove noxious weeds from water margins.	Plant pest removal by Biosecurity (for some species), and weed removal by Community Development (parks/reserves) or Engineering where margins are in public ownership/management	Ongoing, but unquantified. Some has occurred through Council activities while others have been through private actions and other community initiatives. This is unquantified and unclear on scale / extent occurring district wide.
8.2.2	Works and Services	Restoration and enhancement of projects on coastal and riparian reserves and other public land, using local indigenous species.	Community Development (Parks and Reserves)	Ongoing, but unquantified Achieving where land owned or managed by Council. Not clear prioritisation for site restoration. It is unclear what role the Riparian Land Management Strategy has played in this process. Likely also supported by work on Department of Conservation land.

Objective	Method type	Method detail (from TRMP)	Dept. or staff responsible	Comment / Status
8.2.2	Works and Services	Purchase of land for reserves, establishment of esplanade strips or access strips, or other means of protecting the natural character of land adjoining lakes, rivers or the sea, where appropriate, through negotiation with landowners.	Community Development (Parks and Reserves) / Consents	<p>Achieving / Ongoing</p> <p>This is achieved largely via the subdivision rules in 16.4 (esplanade reserves and strips). The Open Space Strategy includes criteria for prioritising reserve and strip acquisition by Council. It is unclear what role the Riparian Land Management Strategy has played in this process.</p>

Appendix 8: Open Space Strategy – Acquisition Criteria

Page 24-235 of the Open Space Strategy (2015) includes information on the criteria to be used to guide acquisition of reserve land upon subdivision. This states:

“Criteria to guide acquisition – whether by purchase or as a condition of a subdivision consent – will assist Council in:

- *describing the priorities for taking esplanade reserves, strips and access strips under the TRMP,*
- *identifying further development of priority protection areas in Schedule 30A⁴ when the TRMP is revised,*
- *applying other land protection measures to achieve section 14.1.3.7 of the TRMP⁵ and the objectives of this Open Space Strategy.*

The criteria below do not refer to the coastal marine area, where an average esplanade width of 20 metres adjoining the coastal marine area is usually provided for when allotments less than 4 hectares are created on subdivision. The level of compensation is a significant consideration for allotments greater than 4 hectares. Securing access to and along waterbodies (waterways, lakes and wetlands) and the protection of conservation values will be considered where:

- *Public access (including for cycles in most circumstances) along waterbodies will enable communities to access waterbodies identified in Schedule 30A of the TRMP,*
- *Public access to and along waterbodies will provide access to recreation settings identified in Fish and Game Management Plans, Council Waterway Management Plans, and regionally and nationally important recreation settings identified in other regional resource assessment processes (such as the Rivers Value Assessment System (RiVAS)),*
- *Public access along waterbodies will enable access to and between important community assets, such as from communities to schools, from public roads or other forms of public access to reserves, and between waterbodies,*
- *Environmental protection is needed for waterbodies that are tributaries to or outlets of ecologically important wetlands and estuaries, particularly for inanga spawning,*
- *Environmental protection of waterbodies will link important / significant natural terrestrial areas with the coast or lakes, or waterbodies in Schedule 30A of the TRMP,*
- *Linkages can be provided between existing reserves, public roads (formed and unformed), and other enduring public access opportunities, where the proposed reserve provides the only, or an important, new off-road access option,*
- *Access can be provided for short distances (say, 100 metres) either side of the intersection between a waterbody and a legal road (formed or unformed), or any other form of enduring public access, where local recreation amenity values exist (potential for interaction with water, beaches, picnic sites, swimming holes or similar),*
- *Walkways and cycleways provided near and within urban areas where, although a linkage between existing public areas might not be achieved, a return trip can be achieved on both sides of a waterway which has good existing or potential recreation amenity values.*

Land will not be acquired or protected where:

- *The location is very isolated and there is a very low probability of demand for future access or benefit from the protection of conservation values,*
- *The cost of acquisition is prohibitive,*
- *Public health and safety concerns are apparent, or*
- *Asset ownership by Council would place it in a position of considerable financial or public liability.*

Protection of environmental values and recreation opportunities can also be provided by partnerships with private agencies (via QEII covenants for example) and other charitable organisations. This provision is considered under “Partnerships” in this Strategy.

Land may be acquired by Council via a variety of methods, including: gifting (including as the result of public fund-raising), direct purchase, purchase using reserve contribution funds (RFCs), negotiated agreement, and by the vesting of Crown land.”

Appendix 9: Key Performance Indicators

Table 16: Key Performance Indicators – Chapter 8

Objective	Key Performance Indicator	Status
8.1.2	8.1.40.1 Number and types of complaints about lack of access, or impacts of access.	Not specifically monitored. Some data accessible via MagiQ using queries for complaints and concerns relating to public access and waterbody margin management – using search terms: public/beach/river access and vehicle on beach. Complaints often due to historic public access over private land being shut off after change of land ownership or confusion over status of unformed roads.
8.1.2	8.1.40.2 Changes in the extent of riparian and coastal land available for public access.	Not specifically monitored and difficult to extract changes over time from Council data sets.
8.1.2	8.1.40.3 The provision of information such as signs and pamphlets about public access opportunities in the District.	Not specifically monitored , but information on public access for reserves and walkways provided on Council’s website.
8.2.2	8.2.40.1 Areas of new indigenous riparian and coastal vegetation and associated animal habitats protected.	Not specifically monitored and difficult to extract changes over time from Council data sets.
8.2.2	8.2.40.2 Number and types of complaints about indigenous vegetation removal in coastal and riparian margins.	Not specifically monitored and difficult to extract changes over time from Council data sets. Limited data accessible via MagiQ using queries for complaints and concerns relating to waterbody margin management – using search terms: public/beach/river and vegetation removal, native plants, plant removal, dunes, riparian. Entries found include queries about restoration advice or subsidy, plant pest removal and questions over riparian rights. Approximately 10 entries found relating to vegetation removal complaints or queries in last 5 years.
8.2.2	8.2.40.3 Changes in area and quality of indigenous coastal vegetation	Not specifically monitored except as part of estuarine habitat monitoring. Difficult to extract changes over time from Council data sets.
8.2.2	8.2.40.4 Changes in number of lots subdivided and building consents issued in the coastal environment.	Not specifically monitored , but some data available using data for subdivision and building in the coastal environment (queried used within 50m of MHWS – CEA within 200m likely higher), however specific type of change over time difficult to extract. Approximately 42 subdivisions and 1241 building consents (likely resulting in new buildings or alteration/addition) within 50m of MHWS in last 10 years (no particular trend over time with BCs, possible increase over time with subdivisions).

Appendix 10: Environmental Results Anticipated

Table 17: Environmental Results Anticipated – Chapter 8

Environmental Result Anticipated	Comment on status
8.50.1 Enhancement and rehabilitation of water margins as ecological and amenity assets.	Unclear and unquantified. This is addressed in several the policies in this chapter, however there is no explicit requirement for enhancement or rehabilitation of margin areas in the rules, and implementation is intended through non-regulatory encouragement of this to occur. This aspect is not sufficient monitored or recorded to enable staff to readily quantify if it has been effective.
8.50.2 Buildings setback from water margins except buildings for which a site in or adjoining a water body is necessary or appropriate.	Inconsistent. There are many examples, particularly in urban areas where insufficient building setbacks from river margins have occurred creating an inability for holistic management of these waterbodies due to a conflict over flood capacity, erosion and channel width – for example Bateup Road development in Richmond, including new builds as recent as 2017-18. The building setback framework in the rules is inconsistent across zones and across waterbody types.
8.50.3 Land use activities and subdivision carefully integrated into the coastal environment.	Unclear. It is unclear what this result is meaning by ‘careful integration’. The coastal environment has yet to be fully defined for the Tasman district and there is continued conflict around land use and structures in coastal areas, particularly where natural hazards occur and coastal habitat has been historically degraded. This is anticipated to be exacerbated by sea level rise and landward retreat of coastal processes, including resulting coastal habitat ‘squeeze’.
8.50.4 Urban development contained to existing settlements or areas where the effect on natural character is minor.	Unclear. There are other factors primarily influencing settlement spread and this result is wider than that applicable to waterbody margin areas. This is about the effects of settlement expansion on natural character, rather than on natural character in margin areas. It is also somewhat contradictory to 8.50.2 in that if adequate building setbacks are maintained, then there would be no expansion of existing settlements into margin areas to affect the natural character in margins.
8.50.5 Provision of reserves of minimum 20 metres width on all the most sensitive areas of the coastline.	In progress, but slow and unquantified. It is unclear what is meant by sensitive areas of the coastline – the minimum provision of reserves of 20m has been sought where subdivisions occur that result in lots of less than 4ha, however for lots larger than this, the ability of Council to secure reserves is influenced by the cost of land purchase, which in some cases has been decided to be unaffordable.
8.50.6 Hazardous facilities limited in the coastal environment.	Inconsistent and unquantified. The coastal environment has yet to be fully defined for the Tasman district and while rules in the Coastal Environment Areas chapter (18.11) may help control this aspect for new facilities (through building setbacks), there are no setbacks from the coastal environment or locational requirements in the hazardous facilities rules (16.7.2). While the RMA was amended in April 2017 to remove regional council functions for the control of land for the purposes of the prevention or

	mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances, the purpose of maintaining and enhancing water quality in water bodies and coastal water remains, which includes risks associated with hazardous facilities. There may also be existing facilities in the coastal environment, and no regulatory controls that require their relocation over time.
8.50.7 Minimise number of fire events damaging areas of ecological value and/or built development.	Unclear and unquantified. This result in wider than margins of waterbodies. There are no rules requiring firebreaks in margin areas and it likely this result will only be influenced indirectly by building setbacks in margin areas. Control regarding lighting outdoor fires, particularly small fires, is controlled outside the TRMP by permitting systems under Fire and Emergency NZ.
8.50.8 Compatible structures including erosion control structures and building designs that harmonise with the adjoining coastal environment.	Unclear and unquantified. It is unclear if this result is relating to visual effects or impacts on coastal processes. The latter is an inherent consequence of placing structures in the coastal environment, particular erosion control structures intended to alter natural erosional processes.
8.50.9 Reduction in the number of degraded localities in the coastal environment.	Unclear and unquantified. There is only limited information on this result area with regard to natural character and public access and it is unclear whether there is a trend (positive or negative) over time.
8.50.10 Reduction in the number of historic and cultural sites damaged in the coastal environment.	Unclear and unquantified. There is only limited information on this result area with regard to natural character and public access and it is unclear whether there is a trend (positive or negative) over time.