

# Section 32 report: Activities in the coastal marine area

for the Proposed Natural Resources Plan for the Wellington Region



greater WELLINGTON

REGIONAL COUNCIL

Te Pane Matua Taiao



## Issues and Evaluation Report



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for the Proposed Natural Resources Plan for the  
Wellington Region

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GW/EP-G-15/69  
#1397954

July 2015

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## 1. Introduction

This section 32 report is an analysis of the appropriateness of the proposed objectives, policies and methods in the proposed Natural Resources Plan for the Wellington Region (referred to as the proposed Plan) for managing activities in the coastal marine area (CMA). The analysis in the report is guided by the requirements of section 32 of the Resource Management Act 1991 (RMA).

The CMA is the area below mean high water springs out to 12 nautical miles off the coast. In general, the mean high water spring is the upper extent of the beach that gets wet each day.

Wellington Regional Council (referred to as the WRC) is responsible for controlling a wide range of activities that occur in the CMA.

The CMA is defined in section 2 of the RMA as:

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

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

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

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

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

## 2. Scope

Some activities that occur in the CMA are regulated by section 12 of the RMA (see Appendix 2) which means that these activities are not permitted unless there is a rule in a regional plan, or resource consent, permitting the activity.

These activities (covered in this section 32 report) are:

- Reclamation
- Disturbance
- Deposition
- Destruction
- Biofoul-cleaning
- Planting of exotic or introduced plants
- Noise

Another activity restricted by section 12 of the RMA is the “occupation” of space in the CMA which is addressed in the section 32 report: Management of the coastal marine area.

This section 32 Report addresses how the proposed Plan will provide for these activities (listed above) in the Wellington Region and provides an analysis of the appropriateness of proposed provisions seeking to achieve the following proposed objectives for:

- Natural processes in the beds of lakes and rivers and in the CMA (Objective O19), and
- Noise in the CMA (Objective O58)

There are three other section 32 reports that directly relate to the coast, which should be read together as one package to understand the context and approach for the evaluation undertaken for the development of the proposed Plan.

The three other section 32 reports are:

- Recreation, public access and public open space
- Natural heritage
- Management of the coastal marine area

Table 1 below shows which of the proposed objectives are assessed in the ‘coastal’ section 32 reports.

**Table 1: Proposed objectives and the section 32 report they are assessed in**

Proposed objective	section 32 report
Objective O17: Natural character Objective O32: Outstanding natural features and landscapes Objective O36: Significant geological features Objective O37: Significant surf breaks Objective O38: Special amenity landscapes	Natural Heritage
Objective O9: Recreational values Objective O10: Public access Objective O55: Public open space	Recreation, public access and public open space
Objective O53: Functional need Objective O54: Efficient use of space Objective O56: New development Objective O57: Lambton Harbour Area Objective O59: Safe use and passage	Management of the CMA
Objective O19: Natural processes Objective O58: Noise	Activities in the CMA

There are a number of other section 32 reports that cover specific resource management topics which are also relevant to the coast and should be read in conjunction with this report:

- Ki uta ki tai – mountains to the sea

- Beneficial use and development
- Sites with historic heritage values
- Air quality management
- Māori values
- Wetlands
- Discharges to water
- Aquatic ecosystems
- Natural hazards
- Water quality

## 2.1 Report methodology

Section 32(2) of the RMA states:

*(2) An assessment under subsection (1)(b)(ii) must—*

*(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*

*(i) economic growth that are anticipated to be provided or reduced; and*

*(ii) employment that are anticipated to be provided or reduced; and*

*(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*

*(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions*

To fulfil the requirement of section 32(2) of the RMA, the report identifies and assesses the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions.

In accordance with section 32(2), the analysis identifies the opportunities for economic growth that are anticipated to be provided or reduced and the employment that are anticipated to be provided or reduced.

In addition, the analysis, where practicable, quantifies the benefits and costs and assesses the risk of acting or not acting if there is uncertain or insufficient information.

The structure of the report is shown below:

- *Resource management issues:* An outline of the main issues associated with activities in the CMA that were identified by the community (see Section 3 of this report)
- *Regulatory and policy context:* Identification of relevant national and regional legislation and policy direction (section 4 of this report)
- *Appropriateness of the proposed objectives:* An evaluation of the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the RMA, as required by section 32(1)(a) (section 5 of this report)
- *Effectiveness and efficiency of the proposed policies, rules and other methods:* An assessment of the efficiency and effectiveness of the provisions as to whether they are the most appropriate way to achieve the objectives, in accordance with section 32(1)(b) and section 32(2) (section 6 of this report)

### **3. Resource management issues**

As shown in Parminter (2011), the WRC began region-wide engagement with the community in 2010 to identify the views of the community regarding natural resource management and to help define the issues for the plan review. This involved engagement with iwi partner organisations, the general public, agencies and organisations with interests in resource management, resource users, school children, developers and policy-makers.

From the region-wide engagement, four significant regional resource management issues were identified relating to activities in the CMA. The relevance and significance of these issues is discussed below.

#### **3.1 Issue 6.10: Dredging, extraction of material, other disturbance activities on the foreshore or seabed**

Dredging, the extraction of material and other disturbance activities on the foreshore or seabed in the CMA, all have adverse effects on the coastal environment.

Dredging is a type of disturbance which can be carried out for the purpose of maintenance of previously dredged areas or new dredging may be required to clear river and stream mouths, remove sediment build-up from stormwater pipes, or for the development and maintenance of commercial, transport, and recreational facilities. However, dredging has the potential to have significant adverse effects on the foreshore and seabed.

Gravel and sand, and occasionally boulders, are extracted from the CMA. Sand is extracted for use with aggregate in concrete manufacture and other construction activities. Depending on the nature of the extraction, the effects of extraction include disturbance and destruction of the foreshore and seabed habitats, disrupted recreational uses and a reduction in natural character and amenity values including noise impacts from the dredge operation.

Other disturbance activities include beach grooming, driving on beaches and piling for new structures. Some of these activities are carried out to alleviate problems that threaten public safety and others are designed to improve the amenity values of the coastal environment and improve public access. Many of these activities may have a component both above and below mean high water springs (crossing the jurisdictions of both the regional council and territorial authorities). Therefore a co-ordinated approach is necessary between the WRC and territorial authorities for the sustainable management of the coastal environment.

### **3.2 Issue 6.8: Reclamation and drainage**

Reclamation and drainage of the foreshore and seabed in the CMA have significant adverse effects on the coastal environment, particularly coastal habitats and ecosystems.

Large sections of the Wellington coast have been reclaimed to provide for marinas, ports, airports, roads and other purposes, particularly Wellington and Te Awarua-o-Porirua harbours. There are benefits to the reclamation of large areas of foreshore to land, as this can enhance the economic and social well-being of the community by improving access and making use of land.

However, reclamation of the CMA is inconsistent with the purposes of the RMA, as the effects of reclamation are generally irreversible. There are other effects on the CMA, including loss of habitat and ecosystems, fishery spawning sites, reduced natural character, changes in tides and water currents, sedimentation processes, potential loss of public access, and significant adverse effects on the values that iwi have toward the coast and their relationship with their ancestral taonga, and loss of heritage sites.

### **3.3 Issue 6.11: Disposal of material**

The disposal of material in the coastal marine area has adverse effects on the coastal environment.

The Resource Management (Marine Pollution) Regulations (1998) identify the following waste or other matters as being material that may be considered for disposal in the CMA: dredged material; sewage sludge; fish processing waste; ships and platforms and other man-made structures; inert, inorganic material; organic material of natural origin; and other bulky items of inert materials such as iron, concrete, and steel. In most cases, the purpose of disposing of material is to get rid of it; however some disposal can also have other purposes such as providing recreational amenity, such as the sinking of a vessel for diving opportunities.

Dredged material from the CMA has been traditionally disposed of in other parts of the CMA, usually in close proximity to the dredge site. For example, the Hutt River mouth dredged material has been disposed of slightly further out in the inner harbour. The effects of disposal include smothering of benthic life, disturbance of the seabed, short-term discolouration of the water column, and dispersal of suspended sediment from the area of disposal that could affect other marine life, including fishes.

### **3.4 Issue 6.12: Exotic or introduced plants**

Exotic or introduced plants can have adverse effects on the ecology, natural character and natural processes of the coastal marine area.

The most significant exotic plant to affect coastal areas is cord grass or *Spartina*. *Spartina* was intentionally introduced to New Zealand over the last 100 years for its ability to aid reclamation by binding material and provide defence against erosion by stabilising coastlines. However, invasive plant species such as *Spartina* smother indigenous species that naturally occur in the CMA and can change the habitat type and interfere with natural coastal processes. Once established its control and eradication can be difficult.

## **4. Regulatory and policy context**

### **4.1 National level**

#### **4.1.1 Resource Management Act 1991**

Some activities that occur in the CMA are regulated by section 12 of the Resource Management Act 1991(RMA) (see Appendix 2) which means that these activities are not permitted unless there is a rule in a regional plan, or resource consent, permitting the activity. Therefore the proposed Plan has to provide for these activities where appropriate or every activity involving an activity listed in section 12 would need a resource consent, e.g. every disturbance of the foreshore (even very small ones).

Section 13 of the RMA (see Appendix 2) controls the use of beds of lakes and rivers, while section 16 (see Appendix 2) of the RMA sets out how to noise is to be managed in the CMA as well as in, on or under a water body.

#### **4.1.2 New Zealand Coastal Policy Statement 2010**

A national policy statement is an instrument available under the RMA to help local government decide how competing national benefits and local costs should be balanced. The WRC is required to give effect to relevant provisions of national policy statements in planning documents and resource consent authorities must have regard to relevant provisions when considering resource consent applications.

The New Zealand Coastal Policy Statement 2010 (NZCPS) guides regional, district and city councils in their day-to-day management of the coastal environment. Provisions in the proposed Plan must give effect to national policy statements, such as the NZCPS. Key topics relating to the NZCPS and relevant to this section 32 report may be explained as follows:

##### **a) Reclamation**

Policy 10 of the NZCPS provides the WRC with direction in respect of reclamation and de-reclamation of redundant reclaimed land in the CMA.

Policy 10 promotes the general avoidance of reclamation unless:

1. Land outside the CMA is not available for the proposed activity

2. The activity which requires reclamation can only occur in or adjacent to the CMA
3. There are no practicable alternative methods of providing for the activity, and

The reclamation will provide significant regional or national benefit

Policy 10 also provides guidance around the form and design of reclamation if reclamation is considered to be a suitable use of the CMA.

- b) Disturbance, destruction, deposition, dumping

The NZCPS includes a number of relevant policies that need to be given effect to for provisions in the proposed Plan which manage disturbance, destruction, deposition or dumping in the CMA.

Policy 6 of the NZCPS provides direction on (amongst other things):

- How to provide for infrastructure
- The rate of built development and consolidation
- Recognising tangata whenua needs
- Maintaining character of the built environment
- The potential of renewable resources
- Adverse visual impacts, setbacks and buffers
- The functional need of activities and efficient use of space

Activities that involve reclamation, disturbance, destruction, deposition, dumping, biofoul cleaning, planting or noise will also need to consider NZCPS Policy 11. Policy 11 seeks the protection of indigenous biological diversity in the coastal environment and provides guidance on avoiding adverse effects of activities on a range of taxa and habitat types. It also requires the avoidance of significant adverse effects on other indigenous vegetation, coastal habitats and indigenous ecosystems.

Reclamation, disturbance, destruction, deposition, dumping, biofoul cleaning and planting all have the potential to impact on water quality. NZCPS Policy 23 requires the careful management of discharges to water in the coastal environment, having particular regard to the sensitivity of the receiving environment and its capacity to assimilate contaminants, the nature of the contaminants and the avoidance of significant adverse effects after reasonable mixing.

c) Biofouling and exotic or introduced plants

Policy 12 in the NZCPS requires provisions in regional plans to manage activities in or near the CMA that could have adverse effects on the coastal environment by causing harmful aquatic organisms to be relocated or spread. This policy outlines that the discharge or disposal of organic material from dredging, or from vessels and structures, whether in the CMA or on land are relevant activities to include when considering provisions for regional plans.

d) Noise

While the NZCPS does not refer specifically to noise in the CMA, activities that involve underwater noise may have effects on indigenous biodiversity as a huge variety of marine animals depend on acoustics for everyday tasks. Examples of these types of activities include dredging, drilling and tunnelling in the seabed. These activities will need to consider Policy 11 which seeks the protection of indigenous biological diversity in the coastal environment. Policy 11 also provides guidance on avoiding adverse effects of activities on a range of taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists, as well as taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened.

The adverse effects of underwater noise also have the potential to impact on people's use and enjoyment of the CMA, particularly those who recreate below the surface of the sea. Policy 6 also promotes the recognition of the need to maintain and enhance the public open space and recreational qualities and values of the CMA.

**4.1.3 National Policy Statement for Freshwater Management 2014**

The National Policy Statement for Freshwater Management 2014 (NPS-FM) includes Objective A1 which is relevant for the proposed Plan provisions on natural processes in the beds of lakes and rivers. This objective seeks that the life supporting capacity, ecosystem processes and indigenous species and their associated ecosystems are safeguarded when managing use and development of land (which includes the beds of lakes and rivers). Objective O19 gives effect to this NPS-FM objective by helping to ensure that activities such as gravel extraction will not adversely impact on these qualities that the NPS-FM is seeking to achieve.

**4.1.4 National Policy Statement on Electricity Transmission 2008 and the Submarine Cables and Pipelines Protection Act 1996**

The proposed Plan must give effect to the requirements in the National Policy Statement on Electricity Transmission (NPS-ET) which sets out objectives and policies to enable the management of the effects of the electricity transmission network under the RMA. Policy 7 of the NPS-ET seeks the minimisation of the adverse effects of the transmission network on urban amenity and the avoidance of adverse effects on town centres and areas of high recreational value or amenity and existing sensitive activities. The CMA is acknowledged as having high recreational and amenity value, so giving effect to Policy 7 is of particular relevance.

In the Wellington Region, electricity transmission infrastructure includes the Cook Strait cables (part of the national grid) that enter the WRC's area of jurisdiction at Oteranga Bay on Wellington's southwest coast. The proposed Plan must recognise and provide for this infrastructure while also managing effects on the environment. The Submarine Cables and Pipelines Protection Act 1996 further protects the Cook Strait cables through the Cook Strait Submarine Cable Protection Zone which restricts activities such as dredging and fishing.

#### 4.1.5 The Marine and Coastal Area (Takutai Moana) Act 2011

The Marine and Coastal Area (Takutai Moana) Act 2011(MCCA) replaced the Foreshore and Seabed Act 2004. The MCCA takes account of the Treaty of Waitangi of 1840 through the recognition and promotion of the exercise of customary interests of Māori in the common marine and coastal area. The MCCA introduces a new term being the "common marine and coastal area". This is the area between mean high water springs and out to 12 nautical miles excluding private titles and certain conservation areas.

Through the MCCA whanau, hapū and iwi can seek recognition and protection of longstanding customary interests in the form of a protected customary right or a customary marine title, addressed in turn here, followed by a discussion of how to give effect to the MCCA:

##### a) Protected customary right

A protected customary right must have been exercised since 1840 and must currently be exercised and holders have veto rights on adverse activities affecting the customary right. A customary marine title must be held by the applicant group in accordance with tikanga and used exclusively and continuously since 1840.

##### b) Customary marine title

A customary marine title group can also prepare a planning document setting out the strategy and approach for the management of that area and must be taken into account in decision and plan making. Holders of customary marine title have veto powers over some activities and there are listed 'accommodated activities' which can continue to be carried out in the common marine and coastal area despite marine title being recognised. Free public access is also guaranteed.

A planning document may be prepared by a customary marine title group to identify relevant regulatory and management issues related to the customary marine title area and include objectives and policies to achieve.

##### c) Giving effect to the MCCA

The proposed Plan must give effect to the MCCA. A regional council must recognise, provide for and take into account any matters identified in the planning document that relate to resource management issues within its functions under the RMA. For the proposed Plan, when a resource consent

application is assessed, a regional council must assess whether the activity sought would directly affect, wholly or in part, the area to which the planning document applies. A regional council must have regard to any matters identified in the planning document that relate to resource management issues within its functions under the RMA.

The “common marine and coastal area” has been referred to in the proposed Plan where appropriate.

#### 4.1.6 Marine Reserves Act 1971

The Marine Reserves Act 1971 provides for the creation of marine reserves for the scientific study of marine life where their continued preservation is in the national interest.

For the proposed Plan, Taputeranga Marine Reserve and Kāpiti Marine Reserve are identified as sites of significant indigenous biodiversity and with this come stringent rules regarding activities that could have adverse effects. There are also notes within some rules describing that natural material is not to be removed from Taputeranga Marine Reserve unless it comes under the Memorandum of Understanding that is held between Wellington City Council and the Department of Conservation.

The management of marine reserves are also guided by conservation management strategies and conservation management plans under the Marine Reserves Act 1971 the Conservation Act 1987 (discussed below).

Under section 66(2) of the RMA regional plans shall have regard to any management plans and strategies prepared under other Acts.

#### 4.1.7 Conservation management strategies under the Conservation Act 1987

The Conservation Act 1987 promotes the conservation of New Zealand’s natural and historic resources, and for that purpose established the Department of Conservation.

In terms of relevance to this report, the RMA requires that any changes to regional plans have regard to any management plans and strategies prepared under other Acts (which include the Conservation Act) which includes marine reserves.

#### 4.1.8 Marine Mammals Protection Act 1978

The Marine Mammals Protection Act 1978 makes provision for the protection, conservation, and management of marine mammals within New Zealand and within New Zealand fisheries waters.

The proposed Plan makes provision for this act by providing for activities associated with dealing with marine mammal strandings (namely disturbance associated with vehicles) as a permitted activity and includes Policy P151 which deals with noise in the CMA.

#### 4.1.9 Resource Management (Marine Pollution) Regulations 1998

The regulations contained within the Resource Management (Marine Pollution) Regulations 1998 will override provisions in the proposed Plan that cover activities such as dumping and incineration and discharges in the CMA such as sewage, garbage and ballast water. Some regulations require a particular rule status for some activities such as the dumping of dredge spoil which has been given effect to in the proposed Plan.

#### 4.1.10 Code of conduct for minimising acoustic disturbance to marine mammals from seismic survey operations 2013

The 2013 Code of conduct for minimising acoustic disturbance to marine mammals from seismic survey operations (the Code) was developed by the Department of Conservation in consultation with a large number of stakeholders in marine seismic survey operations in New Zealand. It was developed under the Marine Mammals Protection Act 1978 which makes provision for the protection, conservation and management of marine mammals within New Zealand and within New Zealand fisheries waters.

The Code can be adopted by any organisation engaged in seismic survey activities in New Zealand's continental waters. The code has an accompanying reference document which provides background information and guidance to assist interpretation. For the proposed Plan, direction has been provided in the form of Policy P151 to manage the adverse effects that underwater noise can have.

## 4.2 Regional level

### 4.2.1 Regional Policy Statement for the Wellington Region

The RMA section 67(3) requires the proposed Plan to give effect to the relevant regional policy statement. The Regional Policy Statement for the Wellington region (RPS) identifies regionally significant issues and the issues of significance to the Wellington Region's iwi authorities in the coastal environment. These issues include:

1. Natural character continues to be adversely affected
2. Discharges of stormwater, sewage, sediment and other contaminants into coastal water are adversely affecting the health of coastal ecosystems, the suitability of coastal water for recreation and shellfish gathering, mauri and amenity, and
3. Human activities are modifying and interfering with natural physical and ecological coastal processes.

The following describes how the activities described in this section 32 report are addressed in the RPS.

#### a) Reclamation

The RPS does not specifically provide policy direction on reclamation in the CMA; instead it includes policies that seek the protection or maintenance of

values appreciated in the CMA such as natural character (Policy 3) and indigenous biodiversity (Policy 24).

b) Disturbance, destruction, deposition and dumping

Activities that involve disturbance, destruction, deposition and dumping in the CMA have the potential to have many significant effects on the values and features of the CMA. These activities can have impacts on natural character, coastal water quality, coastal processes and indigenous ecosystems and habitats, all values highlighted as needing protection and consideration in the RPS including in Policy 15.

c) Biofouling and exotic or introduced plants

The discharge of stormwater, sewage, sediment and other contaminants (which can include biofouling chemicals) to the coast affecting the health of coastal ecosystems, the suitability of coastal water for recreation and shellfish gathering, mauri and amenity is identified as a regionally significant issue in the RPS. Biofouling activities have the potential to adversely affect ecosystem health and mahinga kai, so it is important that these activities are appropriately managed.

While the RPS does not specifically mention exotic or introduced plants in the coastal environment, it does highlight that the region's indigenous ecosystems have been significantly reduced in extent (including coastal dunes and estuaries) and that the remaining indigenous ecosystems continue to be degraded or lost. Policy 23 seeks that indigenous ecosystems and habitats with significant indigenous biodiversity values are identified while Policy 24 advocates for their protection from inappropriate subdivision, use and development. Exotic or introduced plants have the potential to seriously harm indigenous ecosystems and habitats that are found in the CMA.

d) Noise

The RPS does not specifically address the issues around noise in the CMA, but it does include Policy 3 and Policy 35 which seek that the natural character of the coastal environment is preserved through (amongst other things) maintaining or enhancing amenity, minimising significant adverse effects from use and enjoyment of the coast by the public and maintaining or enhancing biodiversity and the functioning of ecosystems. Policy 37 of the RPS seeks that in order to safeguard the life-supporting capacity of coastal and marine ecosystems that particular regard is given to a number of matters including (b) areas used by marine mammals as breed, feeding or haul-out sites and (d) habitats, corridors and routes important for preserving the range, abundance, and diversity of indigenous and migratory species.

#### 4.2.2 Regional Coastal Plan

The operative Regional Coastal Plan for the Wellington Region (Coastal Plan) covers a number of the resource management issues also covered in the proposed Plan. These issues are addressed in bullets (a) to (f) below:

a) Reclamation

The operative Regional Coastal Plan for the Wellington Region (Coastal Plan) includes 11 environmental and two management issues relating to reclamation and drainage of the foreshore. These issues discuss the possible demand for reclamation by infrastructure providers as well as for residential development, the permanent loss of biodiversity associated with reclamation and adverse effects resulting from reclamation on natural coastal processes, natural character, natural hazards and tangata whenua values.

The three environmental objectives are: to minimise reclamation; ensure that reclamation is only undertaken in appropriate circumstances; and ensure that areas that have high conservation value are avoided.

These objectives have 11 policies to guide and direct the processing of resource consent applications for reclamation. These policies cover:

1. Recognition that reclamation has adverse effects
2. Not allowing reclamation if it's purpose is to dispose of waste
3. not allowing reclamation if there are other alternatives to reclamation
4. Allowing reclamation for a list of specified activities
5. Not allowing reclamation that will have significant adverse effect on conservation values, reefs or significant habitats or ecosystems
6. To ensure reclamations are no larger than the minimum area necessary
7. The design and external appearance of the reclamation
8. Taking account of rising sea levels, major earthquakes, storm surge and wave and currents
9. Avoidance of leaching of any contaminants
10. Providing esplanade reserves
11. Ensure public input for reclamation proposals

There are no methods, which indicate the highly restrictive regime for reclamation in the CMA.

There are no permitted or controlled rules for reclamation due to the nature of reclamation as a significant and largely irreversible activity. Reclamation in the CMA is mostly a discretionary activity and a non-complying activity in areas of significant conservation value. There have been few resource consent applications for reclamation in the CMA over the lifetime of the Coastal Plan and none in Areas of Significant Conservation Value (as identified in the Coastal Plan).

b) Disturbance and destruction

The Coastal Plan has three environmental objectives related to minimising the area of bedrock destroyed, managing adverse effects which destroy, damage or disturb the foreshore or seabed and avoiding destruction, damage or disturbance in areas of significant conservation value or areas of important conservation value.

Policies are aimed at providing for activities where the effects are short term, minor and reversible or where effects can be avoided, remedied or mitigated and avoiding significant adverse effects. For extraction activities, Policy 7.2.2 requires the avoidance of adverse effects on shoreline stability while Policy 7.2.3 allows for repeated beach grooming on high use beaches. It also includes a policy on preventing the destruction of the foreshore or seabed if practicable alternatives are available and adverse effects can be avoided, remedied or mitigated.

There are other disturbance related policies in the Coastal Plan on protecting the Hutt Valley aquifer, protecting tangata whenua values and recognition of the need for Hutt River and Commercial Port Area dredging.

There are six permitted activity rules in the Coastal Plan for disturbance activities including clearing stormwater drains, beach grooming, river mouth cutting, drilling, launching vessels and maintenance dredging in the Commercial Port Area. There are three controlled rules for other river mouth cutting; maintenance dredging outside the Commercial Port Area and dredging in rivers and streams.

The five discretionary rules cover activities including disturbance and dredging in the Hutt River, while non-complying activities cover disturbance in areas of significant conservation value and other destruction, damage or disturbance activities in areas of significant conservation value. This section of the Coastal Plan is relatively tightly regulated compared to other types of activities controlled by section 12 of the RMA.

In the Plan Effectiveness Report by Swierczynski (2008), it was found that in general the operative provisions have worked well and the objectives have been met. The proposed Plan provisions are similar to the operative provisions for disturbance in the CMA. However, the operative provisions do not appropriately give effect to the NZCPS and RPS in terms of the values that must be identified and protected in the CMA. The proposed Plan has identified many more areas in the CMA as having significant values which will mean more activities will have a non-complying activity status.

c) Deposition, dumping and disposal

In the Coastal Plan, the activity of deposition is associated with that of dumping/disposal in that the objectives and policies that cover deposition also cover disposal and dumping in the CMA.

The Coastal Plan does not mention dumping or disposal in any meaningful way, but refers to the activity of deposition. This is possibly because the effects of dumping/disposal and deposition are largely the same in that these activities can bury, smother or contaminate flora and fauna, disturb fish spawning grounds and release toxic material or noxious organisms.

There are environmental objectives that seek to improve the amenity values of beaches through the deposition of sand, shingle and shell and other natural material. Other objectives provide for beach nourishment for coastal erosion protection, and the avoidance of the effects of deposition (including disposal) on fauna, flora, habitats, fish breeding grounds, coastal processes and human safety.

Policy 8.2.1 provides for the deposition of sand, shingle, shell or other natural material on the foreshore or seabed if it is to combat coastal erosion or improve amenity values. However, if alternatives exist, Policy 8.2.2 requires that this option be taken to avoid deposition in the CMA. Other Coastal Plan policies seek the avoidance of deposition containing organisms that may have adverse effects on biodiversity and to recognise the benefits of providing for beach nourishment.

The activities of deposition, dumping and disposal are tightly regulated with only one permitted rule for the deposition of wind-blown sand and one controlled activity for beach nourishment. All other deposition, dumping and disposal activities are discretionary activities and non-complying activities in areas of significant conservation value.

#### d) Biofoul-cleaning

Biofoul cleaning involves the process of removing accumulations of algae and other marine matter from the hulls of vessels. The Coastal Plan does not specifically address biofoul cleaning in the CMA. However it includes related objectives which seek that high quality water in the CMA is protected and not degraded through human activities. Relevant policies seek to reduce any adverse effects on water quality in the CMA from non-point source discharges. Other policies require all new marinas and/or boat servicing sites to have facilities to accept sewage and other contaminants from vessels for disposal through municipal treatment processes and to encourage existing marinas to have these facilities.

#### e) Exotic or introduced plants

The Coastal Plan includes objectives that provide for the introduction or planting of exotic or introduced plants where it has positive economic or community benefits. These benefits must be achieved in a controlled manner without adverse effects on ecological or amenity values. The objectives also seek to ensure that invasive exotic or introduced plant species do not become established in the Wellington Region.

Policies provide for the deliberate introduction of exotic or introduced plants when a number of criteria around ecological impacts, effects on mahinga kai

and effects on sedimentation have been satisfactorily addressed. The economic and community benefits (such as aquaculture) of exotic or introduced planting are also supported by Policy 9.2.2. The prevention of invasive exotic or introduced plants is sought by Policy 9.2.3. Policy 9.2.4 also requires that care is taken to avoid accidental introductions as a result of other activities in the CMA.

The planting of exotic or introduced plants is tightly controlled by the Coastal Plan. Introducing species that are already established in the area is a discretionary activity, while for those not already established it is a non-complying activity. It is also a prohibited activity to plant the species *Spartina*.

In general the operative provisions have worked well and the objectives have been met according to analysis in the Plan Effectiveness Report – Regional Coastal Plan (Swierczynski, 2008). The proposed Plan provisions are very similar to the operative provisions for plants in the CMA. However, the Coastal Plan provisions do not appropriately give effect to the NZCPS and RPS in terms of the values that must be identified and protected in the CMA. The proposed Plan has identified many more areas in the CMA as having significant values. This will mean that it will be more likely for the planting of introduced/exotic plant species to be a non-complying activity.

#### f) Noise

A proper understanding of the effects of underwater noise has only recently been established and therefore it was not specifically addressed in the Coastal Plan. However, there are noise standards for the CMA in the General Standards and Terms (section 14.1 of the Coastal Plan) both inside and outside of the Commercial Port Area and in the Lambton Harbour Area. There are also policies about reverse sensitivity from port-related operations in the CMA area and their impacts on nearby sensitive activities such as residential accommodation.

#### 4.2.3 Navigation and safety bylaws – Wellington Region

Navigation and safety bylaws for the Wellington Region were made under the requirements of the Local Government Act 1974, and came into effect on 1 July 2009. Bylaws are used to ensure safe usage of the harbours and waters of the region. They apply throughout the waters of the region from the Otaki River mouth around to Cape Palliser and then up to the Mataikona River mouth. It includes both Wellington and Te Awarua-o-Porirua harbours but does not cover the region's rivers (upstream of the mouth).

These bylaws cover things like vessel moorings and licencing, swimming around wharves and special events like speed boat racing and are in place to protect the safety of users in the CMA.

### 5. **Appropriateness of the proposed objectives**

Section 32(1)(a) requires that an evaluation report must “examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the Act”.

Section 32(1)(b) requires that the proposed provisions (policies, rules and other methods) to achieve the objectives be examined by:

- Identifying other reasonably practicable options for achieving the objectives
- Assessing the efficiency and effectiveness of the provisions in achieving the objectives, and
- Summarising the reasons for deciding on the provisions

## 5.1 Proposed objectives

A brief description of the two proposed objectives specifically analysed in this report is provided below. Tables A1 to A3 in the Appendix also provide an assessment of the appropriateness of the proposed objectives against section 32(1)(a) of the RMA.

There are other objectives that the provisions for activities in the CMA seek to achieve. The tables in Section 6 list these supporting objectives. For an analysis of these objectives, refer to other section 32 reports listed in section 2 above.

To evaluate the appropriateness, section 32(1) provides four criteria:

1. Relevance – is the objective related to addressing a resource management issue? Will it achieve one or more aspects of the purpose and principles of the RMA?
2. Usefulness – will the objective guide decision-making? Does it meet sound principles for writing objectives?
3. Reasonableness – what is the extent of the regulatory impact imposed on individuals, businesses or the wider community?
4. Achievability – can the objective be achieved with tools and resources available, or likely to be available, to the local authority?

### 5.1.1 Objective O19 Natural processes

*The interference from use and development on natural processes is minimised.*

This objective is relevant as it highlights the impacts that activities can have on natural processes which can affect many values appreciated by the community in both the CMA and in the beds of lakes and rivers. These values include natural character, biological ecosystems and recreational values as well as mana whenua values. For example, disturbance of the seabed can cause coastal erosion problems and lead to the loss of areas enjoyed for recreation and/or public access.

This objective is useful in that it implements objectives and policies in the NZCPS, including Objective 1 which seeks to safeguard the integrity, form and functioning and resilience of the coastal environment including the maintenance or enhancement of natural and physical processes. It is also

reasonable as it gives effect to Policy 3 of the NZCPS which promotes a precautionary approach in the management of coastal resources such as to allow for natural adjustments for coastal processes and to consider the impacts of proposed activities where the effects are poorly understood including effects on coastal processes.

This objective will effectively guide those involved in the consenting process. Including Objective O19 in the proposed Plan is an effective and efficient way of clearly stating what outcome is sought in relation to an activity's effect on natural processes. This objective is reasonable as the costs of not being clear and not providing for a proper assessment can have significant costs on a community such as those associated with increasing the risk of natural hazards (see the section 32 Report on Natural hazards for further detail), or impacts on other community values such as recreation and natural character.

The NPS-FM also offers a national value for freshwater related to the health and mauri of the environment which includes the natural form and character of the freshwater body. As natural processes can impact on the natural form and character of a river, it is important to include Objective O19 to effectively manage the impacts of activities on natural processes as this is a value that the community holds in relation to freshwater bodies.

This objective will be achieved by improving the general conditions for permitted and controlled activities in the CMA and in the beds of lakes and rivers that will also allow for proper consideration and the protection of the function of natural processes in the CMA and in the beds of lakes and rivers. Protecting the functioning of natural processes has many environmental benefits to the community such as protecting natural character, amenity and recreational values. The objective is achievable as the costs necessary to achieve it are not high but the risks of not including provisions can result in high costs to the community in terms of coastal or riverbank erosion and more susceptibility to natural hazards. This objective will ensure that outcomes are clear and the effects on natural processes will be properly considered in the assessment of activities in the CMA and in the beds of lakes and rivers.

As shown in Table A1 in the Appendix, proposed Objective O19 is therefore appropriate to achieve the purpose of the RMA and give effect to the NZCPS.

#### 5.1.2 Objective O58 Noise

*Noise, including underwater noise, from activities in the coastal marine area is managed to maintain the health and well-being of marine fauna, and the health and amenity value of users of the coastal marine area.*

This objective is relevant in that it addresses Objectives 1 and 3 and Policy 11 of the NZCPS which amongst other things, seek to safeguard the integrity, form, functioning and resilience of ecosystems and the maintenance and enhancement of recreational opportunities. In Pine and Styles (2014), it was shown that man-made (anthropogenic) noise pollution caused by activities in the CMA can considerably reduce the ability of marine organisms to detect and respond to natural underwater sounds which can lead to confusion in marine

mammals and impaired larval development in fish and invertebrates. These impacts can have flow on effects onto fisheries, conservation and ecotourism.

In the Coastal Plan, excessive noise was identified as an issue (2.10.3) but there is no clear provision framework to manage the effects of underwater noise. This is not useful or effective, as there is no clear guidance of an outcome to be achieved; instead it relies on section 16 of the RMA. This section of the RMA requires the best practicable option to be adopted to ensure that noise does not exceed a reasonable level.

There are costs associated with the status quo option with a lack of certainty for resource users creating both time and processing costs. Without clear guidance for resource users in terms of how their activity might be assessed if there was a noise component, the Coastal Plan is weak on how it provides information and direction for an assessment of environmental effects.

Proposed Objective O58 is useful as it provides specific guidance for decision making and together with other objectives such as Objective O5, aims to achieve the sustainable management of the CMA. The objective is reasonable as it does not infer significant costs and it does not have a specific time frame; instead it is to be achieved over the life of the proposed Plan. There are also specific permitted conditions regarding noise in the CMA which will more effectively manage noise both inside the Commercial Port Area and outside it.

As shown in Table A2 in the Appendix, proposed Objective O58 is therefore appropriate to achieve the purpose of the RMA and give effect to the NZCPS.

## 5.2 Conclusion for the appropriateness of the objectives

The assessment of the operative objectives in the Appendix (tables A1 to A3) shows that the relevant operative objectives are not as **relevant** or as **useful** in that:

- They do not give effect to the NZCPS and RPS
- They do not acknowledge new information, and
- They do not consider the effects of activities on the wider values that the community has in the CMA

The proposed objectives seek to address the shortcomings of the Coastal Plan provisions, and create a useful and reasonable policy tool with which decision-makers and plan users can assess activities that may affect natural processes in the coastal environment. The assessment of the proposed objectives in the Appendix (tables A1 to A3) shows the following:

Proposed objectives are **relevant** as they:

1. Give effect to the NZCPS and RPS
2. Address new knowledge and understanding, and
3. Use language and terminology that is consistent with the RMA, NZCPS and RPS

The proposed objectives are **useful** in achieving the purpose of the RMA as they:

1. Are consistent with guidance and national direction provided in the NZCPS and RPS, and
2. Provide decision-makers with a suite of assessment tools that will enable consistent and comprehensive consideration of the full range of environmental effects on natural processes and the effects of noise in the CMA.

The assessment summarised in the Appendix (tables A1 to A3) also shows that the proposed objectives are more efficient and comprehensive than the operative objectives. Proposed Objectives O19 and O58 as detailed in the proposed Plan are more relevant and useful in achieving the purpose of the RMA, and it is suggested that they are included in the proposed Plan.

## **6. Efficiency and effectiveness of the proposed policies, rules and other methods**

The proposed policies and methods are assessed in accordance with section 32(1)(b) and section 32(2) of the RMA as to whether they are the most appropriate way to achieve the objectives in the proposed Plan.

Activities in the CMA are anticipated by the proposed Plan but guided by the principle that they should be managed in a sustainable way as space in the CMA is limited (for more information please see the section 32 report: Management of the coastal marine area). Development should be appropriate and adverse effects limited on the values that the community appreciates such as public open space, natural character and public access (these topics are addressed in the section 32 report: Recreation, public access and public open space' and section 32 report: 'Natural heritage').

The following sections provide assessments of the effectiveness and efficiency of some of the proposed provisions for the management of activities in the CMA. These are summarised in the Appendix (Tables A4 to A6). These assessments are based on information provided through comments on the draft Natural Resources Plan, industry stakeholders, consultants, and other information obtained as part of the section 32 evaluation.

The assessments in the Appendix (tables A4 to A6) and the sections below are ordered by the following topics:

- Reclamation
- Disturbance
- Deposition
- Destruction
- Biofoul-cleaning
- Exotic or introduced plants
- Noise

## 6.1 Reclamation

The direction given in the NZCPS regarding reclamation means that the WRC can take a strongly regulatory approach. The NZCPS promotes the general avoidance of reclamation and provides a number of situations where reclamation may be appropriate. In order to give effect to the NZCPS and achieve a range of relevant objectives in the proposed Plan (shown in table 2 below), reclamation needs to be a heavily restricted activity in the proposed Plan. Reclamation of the seabed or foreshore is a largely irreversible activity that can have significant adverse effects on coastal habitat and ecosystems, natural character and natural processes.

Table 2 below shows how the proposed provisions for reclamation in the CMA will contribute to achieving a number of objectives. It should also be noted that these are not all the relevant provisions, due to the integrated nature of the proposed Plan.

**Table 2: Provisions relating to reclamation**

Objectives:	Objective O2 Importance of land and water Objective O3 Mauri Objective O4 Intrinsic values Objective O5 Fresh and coastal water Objective O12 Benefits of regionally significant infrastructure Objective O14 Māori relationships Objective O15 Risk from natural hazards	Objective O17 Natural character Objective O19 Natural processes Objective O20 Ecosystem health and mahinga kai Objective O29 Fish passage Objective O31 Outstanding water bodies Objective O33 Sites within significant mana whenua values Objective O35 Sites with significant indigenous biodiversity values
Policies	Policy P3: Precautionary approach Policy P4: Minimising adverse effects Policy P7: Uses of land and water Policy P8: Beneficial activities Policy P9: Public access Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities Policy P13: Existing regionally significant infrastructure and renewable energy generation facilities Policy P17: Mauri	Policy P32: Adverse effects on aquatic ecosystem health and mahinga kai Policy P34: Fish passage Policy P36: Effects on indigenous bird habitat Policy P37: Values of wetlands Policy P40: Ecosystems and habitats with significant indigenous biodiversity values Policy P41: Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values Policy P42: Protecting and restoring

	Policy P18: Mana whenua relationships with Nga Taonga Nui a Kiwa Policy P19: Māori values Policy P21: Statutory acknowledgements Policy P22: Ecosystem values of estuaries Policy P24: Outstanding natural character Policy P25: Natural character Policy P26: Natural processes Policy P31: Aquatic ecosystem health and mahinga kai	ecosystems and habitats with significant indigenous biodiversity values. Policy P44: Protection and restoration of sites with significant mana whenua values Policy P45: Managing adverse effects on sites with significant mana whenua values Policy P48: Protection of outstanding natural features and landscapes Policy P50: Significant geological features Policy P51: Significant surf breaks Policy P132: Functional need and efficient use Policy P133: Recreational values Policy P134: Public open space values and visual amenity Policy P145: Reclamation, drainage and destruction in the coastal marine area
Rules	Rule R214: Reclamation and drainage by regionally significant infrastructure outside of sites of significance Rule R215: Reclamation and drainage	

### 6.1.1 Operative provisions

In the Coastal Plan, reclamation is tightly controlled with Objective 5.1.2 requiring that the reclamations are fully justified and alternatives are given regard to, and that their design and purpose is appropriate. Objective 5.1.3 also states that areas with high conservation values are not reclaimed. Operative policies are equally as strong with Policy 5.2.3 stating to not allow reclamation if there are practicable alternative locations which have less significant adverse effects. The operative policies in the Coastal Plan provide for reclamation for any public works, regardless of the functional need to be located in the CMA. This is not consistent with the Policies 6 and 10 of the NZCPS and not efficient, and may result in challenge by resource users and the community leading to costs for the WRC and resource users.

The operative rules provide for reclamation as either a discretionary activity (Rules 1, 2 and 4) or as a non-complying activity when it is in an area of significant conservation value (Rules 3 and 5). The operative provisions are not effective or efficient in that they do not have a clear policy direction which can create costs for the WRC in terms of time and processing costs and uncertainty for resource users and the community regarding the potential for reclamation in the CMA.

### 6.1.2 The proposed Plan

The proposed Plan includes provisions for reclamation that provide an improved policy position to guide both resource users and the community over what is expected in terms of reclamation which provides benefits to address the requirements in the NZCPS which is more effective and efficient.

Proposed Objective O4 in the proposed Plan reflects the direction provided in the NZCPS. Potentially the biggest environmental impact that reclamation activities can have will be on the aquatic and coastal biodiversity, habitats and ecosystems. Reclamation can also have other effects on values such as natural character, landscape and recreational values.

Policy P145 is the primary policy for reclamation. It seeks the avoidance of reclamation, drainage or destruction in the CMA except where it will provide significant regional or national benefit, there are no other locations for the activity to occur and there are no practicable alternative methods. This is a stringent policy, but is consistent with national direction and provides useful benefits in that it provides clear direction for consent staff and resource users.

Reclamation is still a tightly regulated activity with it being a non-complying activity in the proposed Plan except where it is associated with regionally significant infrastructure with costs for resource users. Reclamation associated with regionally significant infrastructure is a discretionary activity (outside sites of significance) which reflects the NZCPS as well as policies in the proposed Plan that recognise and provide for regionally significant infrastructure (Policy P12 and Policy P13). A discretionary or non-complying activity status also provides for the protection of sites and habitats with significant indigenous biodiversity values. The benefits of this proposed approach are that the provisions give effect to the NZCPS and the activity of reclamation is given a stringent test in areas with significant values to protect community principles.

## **6.2 Disturbance**

The NZCPS does not address disturbance activities in the CMA apart from Policy 20 on vehicle access on beaches. This policy seeks to control the use of vehicles on beaches in relation to public safety as well as disturbance and damage to habitats, historic heritage or sites significant to tangata whenua. Instead the NZCPS includes policies that disturbance activities would need to give effect to such as Policy 11 on indigenous biological diversity and Policy 22 on sedimentation.

Table 3 below shows some of the proposed provisions that will contribute to achieving Objective O19. It should also be noted that these are not all the relevant provisions, due to the integrated nature of the proposed Plan.

**Table 3: Provisions to achieve Objective O19**

Objective O19 The interference from use and development on natural processes is minimised.		
Policies:	Policy 4: Minimise adverse effects Policy P26: Natural processes Policy P51: Significant surf breaks Policy P25: Natural character	Policy P133:: Recreational values Policy P138:: Structures in sites with significant values Policy P50: Significant geological features
Rules:	R188: Minor disturbance R189: Clearance of stormwater pipes R191: Beach grooming including any removal of sand, shingle, shell or other natural material R192: Beach recontouring for coastal restoration purposes R193: River and stream mouth cutting R194: Disturbance and damage outside scheduled areas R195: Disturbance and damage in scheduled areas R196: Disturbance associated with vehicles R197: Disturbance from emergency or law enforcement vehicles	R198: Disturbance from vehicles in a scheduled area R199: Disturbance from vehicles at Titahi Bay R200: Dredging for flood protection purposes or erosion prevention R201: Dredging for flood protection purposes or erosion prevention in scheduled areas R202: Maintenance dredging outside the Commercial Port Area R203: New dredging in a navigation protection area R204: Dredging outside sites of significance R205: Dredging inside sites of significance

### 6.2.1 Operative provisions

In the Coastal Plan, the provisions for destruction, damage and disturbance in the CMA are addressed in the same chapter, so here they are discussed together, with the provisions for ‘disturbance’ applying to all three. Disturbance activities in the CMA include beach grooming, driving on beaches, dredging, river mouth cutting and extraction of natural materials e.g. gravel, and the Coastal Plan objectives seek that adverse effects are avoided, remedied or mitigated and that effects on the values of areas of significant conservation value or important conservation value, are avoided.

Operative policies allow for activities involving disturbance where the effects are short term, reversible or minor; and activities with effects that can be avoided, remedied or mitigated. Policy 7.2.1 provides criteria that need to be met in order for an activity to be deemed to have minor adverse effects. Other policies related to disturbance in the CMA include: the consideration of effects on shoreline stability (7.2.2), providing for beach grooming (7.2.3), protecting the Hutt Valley aquifer (7.2.5) and providing for dredging (7.2.7 and 7.2.8). Having a multitude of different policies to assess is neither effective nor efficient and results in confusion for both resource users and the WRC. Some of these operative policies do not provide any useful guidance or direction.

Some rules in the Coastal Plan include disturbance as an associated activity (e.g. Rule 13) and there are 15 specific rules for disturbance activities such as river mouth cutting and dredging. This is not efficient in terms of the sheer number of different rules that are provided for an activity and confusion is created over what disturbance is associated. An opportunity has been taken

during the plan review to simplify these procedural ‘anomalies’ in the Coastal Plan which are not effective or efficient. For example in the Coastal Plan, taking a small bucket of sand from a beach would require resource consent. Proposed Rule R188 provides a management framework, including limits, within which small disturbances are a permitted activity. It addresses an unintended outcome of the Coastal Plan, and provides a meaningful, reasonable framework within which to manage the activity and its effects. The benefit of this framework is the provision of certainty to resource users and the WRC. Including this proposed rule also means that enforcement resources can be used efficiently and effectively. In terms of costs, this amendment is likely to be beneficial to the WRC, particularly to consents staff who receives a high number of calls each year requesting clarification of the policy in respect of small takes of sand. This rule in the proposed Plan would mean that enquiries are able to be dealt with swiftly and consistently throughout the region. The rule itself imposes little cost or regulatory burden on resource users, as it provides for small disturbances as a permitted activity. This is the common sense approach expected by our community, and one that automatically reduces compliance costs for the community and carries a range of benefits to people living and working in the region.

Another example of Coastal Plan rules being amended to reflect consent processing experiences are those managing dredging and maintenance dredging (Rules 33, 35, 36 and 41). Dredging for flood protection purposes (Rule R200) remains a controlled activity, but the controlled matters have been extended to allow consents staff to manage a broader range of effects, the need for which became apparent through discussions with the WRC staff. The impact in terms of processing time and costs should be negligible for applicants, and additional conditions are unlikely to pass on considerable extra cost to applicants. Necessary dredging will still be able to occur, but the overall effects of the activity will be better managed, leading to benefits of better environmental outcomes.

### 6.2.2 The proposed Plan

The proposed Plan includes Objective O19 which aims to protect natural processes in both the CMA and in the beds of lakes and rivers from interference from use and development. This objective effectively reflects direction in the NZCPS including Objective 1 and Policy 3. While there is not a specific policy framework for disturbance in the CMA in the proposed Plan other policies will address and manage the potential effects of disturbance through policies including Policy P17 (mauri), Policy 26 (natural processes), Policy P31 (ecosystem health and mahinga kai), Policy P41 (managing effects on sites with significant indigenous biodiversity values) and Policy P22 (ecosystem value of estuaries).

In particular, Policy 26 requires that the effects of use and development in the CMA and in the beds of lakes and rivers is managed to minimise effects on the integrity and functioning of natural processes. These processes include sediment transportation, nearshore currents, flooding and erosion and deposition. Changes to, and interference with, these natural processes as a result of use and development (e.g. dredging, new structures) can lead to

adverse effects such as erosion of coastal or riverside property and changes in beach material (e.g. sandy beach to a gravel beach).

Policy P4 provides guidance to Policy P26 which requires that adverse effects be minimised. That is, adverse effects are to be reduced to the smallest amount practicable and include consideration of alternative locations, timing of the activity, the use of good management practice and ensuring the scale of the activity is as small as practicable. It is intended that Policy P4 be used to guide a resource consent assessment of environmental effects for Policy P26.

Minor disturbances such as disturbance of the foreshore or seabed associated with the clearance of stormwater drains, launching vessels or beach grooming, are permitted activities in the proposed Plan. The benefits of this approach to the policy framework is that the consent process is simplified for resource users and the WRC as there will be fewer policies to assess as part of an application. However, the relevant policies to assess will still be effective in determining sustainable management. This will lead to cost and time savings for the WRC and resource users. Sites of significance are also identified in the proposed Plan in many more locations than in the Coastal Plan. This may result in more applications having a 'higher' rule status and potentially higher costs for some activities for resource users, but there are also significant benefits in terms of the protection of a range of values appreciated by the community.

In order to streamline and simplify resource consenting processes, where disturbance is an associated activity, it has been included in each primary activity rule (for an example see Rule R161) to avoid having to use more than one rule for a specific activity. This is more efficient. Conditions have been included in the rule to manage the disturbance component of the activity. This is a new approach compared to the Coastal Plan and will result in benefits for both the WRC and resource users, as both time and processing costs will be reduced due to a new rule structure which bundles activities and requires only one application. For example, Rule R161 is a discretionary rule for new structures in the CMA outside sites of significance. This rule also includes occupation of space, associated disturbance, deposition and discharge of contaminants. This will help to simplify the resource consent process for applicants where they will not have to apply for a suite of rules in their applications, and a more streamlined assessment process for consent processing officers.

There is a suite of rules in the proposed Plan for a number of different activities that involve disturbance as either a minor or major component of the activity, e.g. stormwater pipe clearance, beach grooming and vehicles on beaches. Some of these rules are permitted activities (subject to conditions) such as launching a boat and some disturbance is a non-complying activity such as dredging in sites of significance (when not for flood protection purposes). This rule structure is similar to what was in the Coastal Plan, the only real difference being that many sites of significance for different values have been identified in the CMA and disturbance activities are more restricted in these areas. The new provisions are more effective and efficient as they aim to protect biodiversity, mana whenua and heritage values identified in the CMA as required in the NZCPS.

As many more areas have been identified as a site of significance in the CMA and in the beds of lakes and rivers, this may mean that more activities will be a non-complying activity. There may be costs associated with this in terms of more activities being non-complying resulting in additional processing, potentially notified applications and hearings, all resulting in costs for both resource users and the WRC. However, there is a strong community desire to identify and protect sites with significant values in the CMA and in the beds of lakes and rivers, and disturbance activities have the potential for significant adverse effects. The protection of these sites with significant values for current and future generations is an important benefit to the community.

In the proposed Plan, disturbance caused by vehicles on the foreshore, below mean high water springs, is a permitted activity in the proposed Plan (Rule R197) subject to compliance with territorial authority bylaws which may restrict driving in some areas (including below mean high water springs). This is a slightly different approach where in the Coastal Plan it is a restricted discretionary activity to drive on some listed popular surf beaches. While driving on beaches will be permitted in the proposed Plan, in sites of significance, driving in these areas will be a non-complying activity to recognise these important values. Most territorial authorities have bylaws restricting vehicles on beaches. The purpose of this rule (Rule R198) is to protect the values identified in these areas such as tangata whenua values or sites of significant indigenous biodiversity. The benefits of this approach include clarity and certainty on enforcement of unlawful vehicles on beaches and the protection of additional sites of significance with important values to the community.

Dredging is another disturbance activity, often involving extraction and disposal either in the CMA or at land-based facilities. Maintenance dredging outside the Commercial Port Area or for flood protection purposes is a controlled activity but dredging for flood protection purposes is a discretionary activity in sites of significance (Rule R201). This is to recognise the benefits that flood protection activities provide such as public safety and the important sites valued by the community.

Dredging in the Commercial Port Area and navigation protection areas is a restricted discretionary activity with matters of discretion restricted to effects such as those on natural processes, the stability of the seabed and nearby shorelines and on significant surf breaks. These matters will give consent processing officers the ability to request appropriate assessments of the effects of this activity. The restricted discretionary activity status reflects the recent work the WRC has completed in mapping the navigation channels in Wellington Harbour and which are illustrated on Map 49 in the proposed Plan. The mapping of the navigation protection areas is an important and straightforward means of protecting the channels from competing uses that may emerge in the life of the proposed Plan, for example aquaculture or marine energy generation. The navigation protection areas do not seek to restrict shipping to these navigation lanes – shipping can sail outside of these channels if required or permitted by marine authorities – but ensures that the scope of the channel, and therefore the ability to use the channel for shipping, is protected from future development.

Rule R203 provides benefits such as certainty to resource users and provides the WRC staff with guidance when assessing consent applications by listing matters of discretion. Costs may include additional assessments required from applicants such as an assessment of effects on significant surf breaks as they have been identified and have a management framework in the proposed Plan.

### 6.3 Deposition and dumping

The NZCPS provides limited direction on deposition and dumping in the CMA. Deposition can involve the development of new sandy beaches or renourishment of existing ones or the placement of rocks on the seafloor for a seawall. Policy 6 provides guidance on managing activities and their effects in relation to matters such as public open space, recreational qualities and in promoting the efficient use of space.

Table 4 below shows how the proposed provisions for deposition and dumping will contribute to achieving a number of objectives. It should also be noted that these are not all the relevant provisions, due to the integrated nature of the proposed Plan.

**Table 4: Provisions relating to deposition and dumping**

Objectives:	<ul style="list-style-type: none"> <li>Objective O2 Importance of land and water</li> <li>Objective O3 Mauri</li> <li>Objective O4 Intrinsic values</li> <li>Objective O5 Fresh and coastal water</li> <li>Objective O12 Benefits of regionally significant infrastructure</li> <li>Objective O14 Māori relationships</li> <li>Objective O15 Risk from natural hazards</li> <li>Objective O17 Natural character</li> <li>Objective O19 Natural processes</li> <li>Objective O20 Ecosystem health and mahinga kai</li> <li>Objective O29 Fish passage</li> <li>Objective O33 Sites within significant mana whenua values</li> <li>Objective O35 Sites with significant indigenous biodiversity values</li> </ul>
Policies:	<ul style="list-style-type: none"> <li>Policy 4: Minimise adverse effects</li> <li>Policy P26: Natural processes</li> <li>Policy P50: Significant geological features</li> <li>Policy P51: Significant surf breaks</li> <li>Policy P25: Natural character</li> <li>Policy P133: Recreational values</li> <li>Policy P138: Structures in sites with significant values</li> <li>Policy P143: Deposition in a site of significance</li> <li>Policy P144: Dumping in a site of significance</li> </ul>

Rules:	R206: Re-deposition of wind-blown sand R207: Deposition for beach renourishment R208: Deposition outside sites of significance R209: Deposition inside sites of significance R210: Dumping of waste or other matter outside scheduled areas R211: Dumping of waste or other matter R212: Dumping of waste or other matter inside sites of significance R213: Incineration of waste
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### 6.3.1 Operative provisions

In the Coastal Plan, objectives promote the use of deposition to increase the amenity value of beaches and to mitigate the adverse effects of coastal erosion. They also seek the remediation, mitigation or avoidance of adverse effects of all deposition and no significant effects on fauna, flora or habitats, coastal processes or human health and safety. Operative policies promote the use of deposition for a variety of reasons including amenity values and preventing coastal erosion while Policy 8.2.2 requires that the deposition is not undertaken where there are practicable alternatives for the activity outside the CMA. Policies also discourage the deposition of hazardous substances or substances that contain organisms that may adversely impact on marine ecology.

The operative rule framework permits the deposition of wind-blown sand and provides for beach nourishment as a controlled activity. Large or other depositions are a discretionary activity and a non-complying activity in areas of significant conservation value.

### 6.3.2 The proposed Plan

In the proposed Plan the provisions for deposition are seeking to achieve Objective O19. Deposition of natural material in the CMA can have significant impacts on the functioning and integrity of natural processes, and it is important that these processes are protected from inappropriate use and development.

In order to achieve proposed Objective O19, activities that involve deposition and dumping in the CMA need to be controlled. These activities are all restricted under section 12 of the RMA or by the Resource Management (Marine Pollution) Regulations 1998 (referred to as the Marine Regulations), so provisions are needed in the proposed Plan to allow for these activities in certain specified circumstances. The disposal of the dredge spoil in the CMA is a discretionary activity as required by the Marine Regulations.

As with disturbance activities, general deposition in the CMA does not have its own specific policy apart from Policy P143 which provides direction on deposition in a site of significance. Policy P143 seeks the avoidance of deposition in these special areas except where the purpose of the activity is to: protect the significant values, provide coastal erosion protection, provide public amenity, provide flood protection purposes or enable regionally significant infrastructure and there is no alternative method.

For disturbance activities outside sites of significance, the effects of deposition would instead be assessed using other policies in the proposed Plan such as Policy P26 (natural processes) and Policy P31 (ecosystem health and mahinga kai).

Deposition can be a minor or major activity in the CMA, and as it is a restricted activity in the CMA, a suite of rules is required to permit those activities where the effects are less than minor such as Rule R206 (re-deposition of wind-blown sand) and control those (require resource consent) where the environmental effects can be major (e.g. depositing sand on a sensitive habitat). Deposition in the CMA can also be either the primary activity (e.g. beach renourishment) or associated with another activity (e.g. deposition of rocks to construct a seawall). In the Coastal Plan, a number of different resource consents were required for one activity. For example for a seawall, consents were needed for the structure, the occupation, the deposition, disturbance and any associated discharges to the CMA. To simplify this consent process, deposition when it is an associated activity, has been added to certain rules, so only one resource consent is required (e.g. see Rule R149). This has the benefits of lower costs and less time for both resource users and consenting staff as well as providing certainty and consistency.

In the proposed Plan, deposition in sites of significance (apart from the re-deposition of wind-blown sand and beach renourishment), is a non-complying activity. As new areas of the CMA have been identified as having significant values in the proposed Plan, this will mean that more activities may have a non-complying activity status. There are costs associated with this around additional assessments required by applicants, longer consent processing times and potential costs of hearings. However, identifying and protecting sites of significance in the CMA also provides significant benefits to the community and to mana whenua and a non-complying activity status for some deposition activities in them provides the community with an opportunity to provide input into the decision-making. Currently the operative provisions do not appropriately give effect to the NZCPS and RPS in terms of protecting the values that must be identified and protected in the CMA.

Dumping is another form of deposition, but it is the disposal of waste products e.g. derelict vessels and dredge spoil. In the proposed Plan, the avoidance of dumping in the CMA is sought unless it is to enable regionally significant infrastructure and there is no alternative. This activity must at least be a discretionary activity as this is required in the Marine Regulations. This is similar to what was in the Coastal Plan, although the policy direction on dumping is much clearer and is therefore more effective and efficient. The new policy on dumping and clearer rule structure will help to achieve Objective O19. While there are costs of this approach in terms of resource consent application fees and associated processing costs, the dumping of waste products has the potential for significant adverse effects and therefore should be a tightly controlled activity. A regulatory approach to this activity provides benefits to the community of safeguarding values appreciated in the CMA and a level of certainty to resource users.

## 6.4 Destruction

The NZCPS does not have any specific policies on destruction in the CMA. However, it does highlight important values such as natural character, and indigenous biodiversity that must be considered when activities are proposed in the CMA. Destruction in the CMA can also have significant adverse effects on ecosystem health and mahinga kai especially coastal habitats, where effects can be permanent and irreversible.

Table 5 below show how the proposed provisions for destruction in the CMA will contribute to achieving a number of objectives. It should also be noted that these are not all the relevant provisions, due to the integrated nature of the proposed Plan.

**Table 5: Provisions relating to destruction**

Objectives:	Objective O3 Objective O4 Objective O5 Objective O9 Objective O12 Objective O17 Objective O19 Objective O20 Objective O23 Objective O25 Objective O29	Objective O32 Objective O33 Objective O34 Objective O35 Objective O36 Objective O37 Objective O38 Objective O53 Objective O54 Objective O56 Objective O59
Policies:	Policy P4: Minimise adverse effects Policy P26: Natural processes Policy P51: Significant surf breaks Policy P25: Natural character Policy P133: Recreational values Policy P138: Structures in sites with significant values Policy P145: Reclamation, drainage and destruction Policy P50: Significant geological features	
Rules:	R216: Destruction – non-complying activity	

### 6.4.1 Operative provisions

In the Coastal Plan, destruction is in the same chapter as damage and disturbance and objectives seek that minimal bedrock is destroyed, that adverse effects are avoided, remedied or mitigated and destruction in areas of significant or important conservation value is avoided. Policies specify that destruction is not allowed if there are practicable alternatives and adverse effects cannot be mitigated or remedied. Coastal Plan Rule R40 provides for destruction as a discretionary activity and a non-complying activity in areas of significant conservation value.

#### 6.4.2 The proposed Plan

The proposed Plan contains provisions for deposition which seek to achieve Objective O19 and other relevant objectives such as Objective O25. Destruction of the foreshore or seabed can have significant impacts on the functioning and integrity of natural processes, and it is important that these processes are protected from inappropriate use and development.

There is strong policy direction (Policy P145) on destruction in the CMA where it should be avoided unless three criteria are met. These criteria are: the destruction provides significant regional or national benefit; no other locations are possible; and no alternatives are available. This policy direction is stronger than the Coastal Plan which seeks that destruction is only avoided in areas of significant conservation value. This approach provides benefits to resource users and the community in that the policy direction is clear with destruction only provided for in special circumstances which are outlined in the policy.

In order to achieve proposed Objective O19, activities that involve destruction in the CMA need to be controlled as it is an activity restricted under section 12 of the RMA. Rule R216 provides for destruction in the CMA as a non-complying activity (unless destruction is provided as an associated activity in another rule) which recognises the significant and irreversible adverse that destruction of the foreshore or seabed can have, but that it may be necessary in special circumstances. This rule structure is more stringent than in the Coastal Plan which could potentially lead to higher costs for resource users with non-complying activities mostly being notified applications leading to consent hearings. However the benefit of this approach is that a non-complying activity status places greater emphasis on the protection of the values of sites of significance, and provides a comprehensive policy structure against which applications can be properly assessed.

#### 6.5 Biofoul cleaning and exotic or introduced plants

NZCPS Policy 12 seeks to control activities in or near the CMA that could have adverse effects on the coastal environment by causing harmful aquatic organisms to be released or otherwise spread. Relevant activities described in NZCPS Policy 12 include the discharge or disposal of organic material from vessels during maintenance, cleaning or otherwise. NZCPS Policy 11 also seeks the protection of indigenous biological diversity in the coastal environment from activities which may cause adverse effects. Inappropriate planting of certain species in the CMA can have adverse effects on marine fauna and flora and on natural coastal processes such as sand build up and out-competing indigenous species for habitat.

Table 6 below shows how the proposed provisions for biofouling and exotic and pest plants will contribute to achieving a number of objectives. It should also be noted that these are not all the relevant provisions, due to the integrated nature of the proposed Plan.

**Table 6: Provisions relating to biofoul cleaning**

Objectives:	Objective O3 Objective O4 Objective O5 Objective O18 Objective O23	Objective O24 Objective O25 Objective O35
Policies:	Policy P4: Minimise adverse effects Policy P31: Aquatic ecosystem health and mahinga kai Policy P32: Adverse effects on aquatic ecosystem health and mahinga kai Policy P88: Biofoul cleaning	
Rules:	R65: Biofoul cleaning R66: Biofoul cleaning	

Table 7 below shows how the proposed provisions for exotic and introduced plants will contribute to achieving a number of objectives. It should also be noted that these are not all the relevant provisions, due to the integrated nature of the proposed Plan.

**Table 7: Provisions relating to exotic and introduced plants**

Objectives:	Objective O3 Objective O4 Objective O5 Objective O9 Objective O11 Objective O14 Objective O17	Objective O18 Objective O19 Objective O24 Objective O25 Objective O26 Objective O35
Policies:	Policy P4: Minimise adverse effects Policy P31: Aquatic ecosystem health and mahinga kai Policy P32: Adverse effects on aquatic ecosystem health and mahinga kai Policy P146: Introduction of pest plants	
Rules:	R217: Planting R218: Planting R219: Planting	

### 6.5.1 Operative provisions

#### (i) Biofoul cleaning

In the chapter in the Coastal Plan that focuses on discharges to land and water there are overarching objectives which seek high quality water in the CMA that is not degraded through human activities (10.1.1) and others that seek that currently degraded water quality is enhanced (10.1.2) and that water quality is consistent with tangata whenua values (10.1.3). While there are no specific objectives for the activity of biofoul cleaning, these objectives currently guide decision-making.

There are no specific policies for biofoul cleaning in the Coastal Plan, instead there are more general policies about managing coastal water quality for

shellfish gathering (10.2.1 and 10.2.2) and recreational purposes and criteria provided to guide decision-making to determine if a discharge can achieve Objectives 10.2.1 and 10.2.2. There are also policies requiring disposal facilities at new marinas and/or boat servicing sites and seeking to encourage these facilities at existing marinas (10.2.6 and 10.2.7). Coastal Plan Policy 8.2.5 seeks the prevention of the spread of organisms that may have adverse effects on marine ecology via the deposition of any substance and Policy 10.2.13 actively discourages the discharge of ballast water which may be potentially contaminated with exotic organisms in Wellington or Te Awarua-o-Porirua harbours, and encourages compliance with national guidelines.

In the Coastal Plan there are no specific rules for biofoul cleaning, instead a generic discharge to water rule (Rule 57) applies and is a discretionary activity. This is neither effective nor efficient, as it is unclear to both resource users and consenting staff which rule to use and what is required.

#### (ii) Exotic or introduced plants

For planting in the CMA, the Coastal Plan objectives provide for planting in the CMA where there are positive economic or community benefits and effects can be controlled (9.1.1) and that invasive exotic or introduced plant species do not become established in the region (9.1.2).

The Coastal Plan policies for planting in the CMA include 9.2.1 which provides for the introduction of plants provided that the adverse effects are able to be controlled, while Policy 9.2.2 seeks that recognition of the social and economic benefits to be derived from the introduction of plants. Coastal Plan Policy 9.2.3 seeks to avoid the deliberate introduction or planting of invasive plants.

In the CMA it is a discretionary activity to plant a plant species already established in the CMA and a non-complying activity for species not already established (Rules 50 and 51). The introduction or planting of *Spartina* (a seriously invasive species) is a prohibited activity. A discretionary activity status for activities that may have beneficial effects such as biodiversity restoration is unhelpful and ineffective.

### 6.5.2 The proposed Plan

#### (i) Biofoul cleaning

In the proposed Plan, there are a number of different objectives that the provisions for biofoul cleaning in the CMA are trying to achieve (see table 6 above). Unwanted organisms including pest fauna and flora can enter coastal water through the activity of biofoul cleaning which is the removal of organisms such as barnacles and algae from the hulls of vessels. Both organisms released through biofoul cleaning and the introduction of certain plant species can have a severe impact on the functioning and vitality of ecosystem health as well as on the quality and quantity of mahinga kai species.

The proposed Plan also includes a specific policy covering biofoul cleaning in the CMA (Policy P88) and a series of three rules controlling biofouling in accordance with recommendations in international guidance provided in the

Anti-Fouling and In-Water Cleaning Guidelines (June 2013). The hierarchy of rules aims to prevent the uncontrolled release of any biological material that could contain harmful organisms when vessels are cleaned as well as preventing the release of contaminants from the anti-fouling coating on vessels. A time delay of 3 years has been provided to allow industry to make changes necessary to be in accordance with international best practice.

For biofoul cleaning, there are expected to be costs for the WRC associated with additional enforcement and compliance for in-water hull cleaning of vessels and greater surveillance of biofoul cleaning onshore. Resource users will also have costs associated with compliance with the new standards, but these standards are internationally recognised.

The benefits to the community of these provisions for biofoul cleaning in the CMA are significant. The proposed provisions will help protect the environment and the social, cultural and economic values from the uncontrolled release of harmful aquatic organisms. These organisms can destroy marine habitat and eliminate marine fauna that have economic value such as for aquaculture, cultural value such as mahinga kai or social value, including recreational fishing.

(ii) Exotic or introduced plants

In the proposed Plan, there are a number of different objectives that the provisions for planting in the CMA are trying to achieve (see table 7 above). The proposed Plan includes Policy P31 which seeks the maintenance or restoration of aquatic ecosystem health and mahinga kai by providing guidance on a number of matters including avoiding the introduction and restricting the spread, of aquatic pest plants.

The proposed Plan promotes the removal of aquatic weeds or exotic or introduced plants as a beneficial activity because of the environmental, social, economic or cultural benefits this can derive, in Policy P8. While Policy P146 seeks that the introduction of plants listed in the National Pest Plant Accord is avoided.

Rule R217 provides for the planting of species which are an appropriate species as a permitted activity and the WRC will provide advice on its website and in publications on what species are appropriate and where to plant in the CMA. Other planting is either a discretionary activity (Rule R218) while the planting of pest species is a prohibited activity (Rule R219) because of the significant adverse effects this can have on the economic, social, cultural and environmental well-being. This is a simplified and clearer rule framework than what is in the Coastal Plan where all planting was at least a discretionary activity even for locally indigenous species. This past approach was a somewhat off-putting and heavy-handed approach given that effects of the activity can sometimes be very environmentally beneficial in terms of restoration efforts and effects can largely be managed in a straightforward manner. The proposed Plan rule structure for planting in the CMA is more effective and efficient than the provisions in the Coastal Plan.

Providing for the planting of appropriate species as a permitted activity provides benefits to the community by encouraging restoration and protection of the CMA which is largely undertaken by community groups. A permitted activity status will save costs for these groups who are largely run by volunteers. Accordingly, the rules framework reflects this and ensures that the proposed Plan does not discourage an activity which, if properly managed, can bring environmental, ecological and social benefits to an area. This is a much more robust framework for consent processing and provides much clearer policy direction than in the Coastal Plan. The proposed Plan provisions for planting in the CMA are more effective and efficient than the Coastal Plan.

The benefits of these provisions for planting in the CMA are significant for the community. The proposed provisions will help protect the environment and the social, cultural and economic values from the uncontrolled release of harmful plants especially unwanted plant species. Pest plant species can destroy marine habitat and eliminate marine fauna that have economic value such as for aquaculture, cultural value such as mahinga kai or social value, including recreational fishing.

## 6.6 Noise

New information and national discussion has led to the need to have specific provisions for underwater noise in the CMA in planning documents and this recognition of the issue of underwater noise is a relatively new resource management issue in New Zealand (see Pine and Styles, 2014). The adverse effects of underwater noise are not specifically addressed in the NZCPS or RPS, and it is uncertain whether there have been environmental effects as a result of not having any specific provisions for underwater noise in the Coastal Plan. Noise can have adverse effects on marine life including impacts on navigation and breeding. During consultation on the proposed provisions, it was apparent that there is a strong desire from the community to ensure that marine fauna is not adversely affected by anthropogenic noise in the CMA.

Table 8 below shows how proposed provisions for noise in the CMA will contribute to achieving Objective O58. It should also be noted that these are not all the relevant provisions, due to the integrated nature of the proposed Plan.

**Table 8: Provisions for noise in the coastal marine area**

Objective O58 Noise, including underwater noise, from activities in the coastal marine area is managed to maintain the health and well-being of marine fauna, and the health and amenity value of users of the coastal marine area.	
Policies:	Policy P4: Minimise adverse effects Policy P150: Lighting and noise Policy P151: Underwater noise
Rules	Coastal marine area general standards and terms

### 6.6.1 Operative provisions

For general noise in the CMA, the Coastal Plan included Issue 2.10.3 which stated that excessive noise generation by activities in, on or over the CMA may cause adverse effects on other CMA users and residents adjoining the CMA. There are no operative objectives specifically addressing noise in the CMA which is not effective or efficient. The most relevant objectives are the ones related to surface water and foreshore activities where Objective 13.1.2 requires that surface water and foreshore activities do not have significant adverse effects on other CMA users, people and communities outside the CMA or fauna or flora in and adjacent to the CMA.

Coastal Plan Policy 13.2.4 seeks the avoidance of adverse effects on fauna and flora from surface water and foreshore activities while an 'Environment Result Anticipated' is that the adverse effects from excessive noise in the CMA are minimised. This operative policy is useful but not effective in that it only addresses surface water activities or foreshore activities, and not other activities under water in the CMA. It is acknowledged that previously consented developments such as trial of a tidal and current turbine in Cook Strait may have benefited from better policy direction, for the applicant, affected parties and officers processing these applications. Other Coastal Plan policies on noise are limited to Policies 4.2.48, 6.2.17 and 6.2.18 about the management of noise from port-related activities in the Lambton Harbour Area and Commercial Port Area.

In the Coastal Plan rules, general standards and terms are included in the Coastal Plan to help manage the effects of noise (including underwater noise) in the CMA from permitted or controlled activities.

While section 16 of the RMA states that there is a duty to avoid unreasonable noise in the CMA, the operative objectives and policies related to noise are not specific enough to be either effective or efficient and do not provide any guidance on underwater noise more specifically. While the 'General Standards and Terms' in the Coastal Plan (section 14) includes a noise condition for activities in the CMA, this condition only applies to permitted and controlled activities. Discretionary and non-complying activities would rely on an objective and policy to provide direction for decision-making, for which there is none in the Coastal Plan. Costs associated with this include uncertainty for resource users and a lack of guidance for decision-making for the WRC.

### 6.6.2 The proposed Plan

In order to better address the management of underwater noise, proposed Objective O58 is to manage the effects of noise from activities in the CMA on marine fauna and people. In order to achieve Objective O58, supporting Policy P150 will apply to restricted discretionary (where noise is specified as a matter of discretion), discretionary and non-complying activities.

Policy P150 directs the consideration of the effects of underwater noise from activities in the CMA, and will contribute to achieving Objective O58 in the proposed Plan. The existing general standard for noise in the CMA is carried over to the proposed Plan.

Having a more specific objective and policy framework for noise and underwater noise in the proposed Plan may result in additional costs through assessments required as part of resource consent applications for resource users. However, it is considered that the proposed provisions to address noise (including underwater noise) in the CMA provide benefits to resource users as there is now clear direction and guidance provided about what is required in terms of the effects of noise in the CMA. It will be clear from the outset that assessments will be required and resource users can anticipate this. Having a clear objective to achieve and policy guidance is also a benefit to the WRC especially when resource consent applications are assessed. Communities will also benefit from the improved protection of ecosystems including mammals from noise from activities in the CMA.

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## Appendix

### Assessing the appropriateness of the objectives

**Table A1: Objective O19 natural processes**

Objective: O19	The interference from use and development on natural processes is minimised
<b>Relevance</b>	
Directly related to resource management issue?	Yes, this objective relates to issues 6.4, 6.8 and 6.11.
Will achieve one or more aspects of the purpose and principles of the RMA?	Yes, Part 2 and Part 5, sections 6(a), section 6(b) and section 7(b), section 7(c), section 7(f) and section 7(g).
Relevant to Māori environmental issues? (sections 6(e),6(g),7(aa),8)	Yes, adverse effects on natural processes have the potential to also affect resources of importance to tangata whenua.
Relevant to statutory functions or to give effect to another plan or policy (i.e. NPS-FM, RPS)?	Yes, NZCPS specifically Objective 1 and Policies 3, 7, 13 and 20.
<b>Usefulness</b>	
Will effectively guide decision-making?	Yes, guides consenting process when assessing activities with potential effects on natural processes in the CMA.
Meets sound principles for writing objectives? (specific; state what is to be achieved where and when; relate to the issue; able to be assessed)	This objective is specific in its desire to protect natural processes from being adversely affected by activities in the CMA or in the beds of lakes and rivers. It provides appropriate guidance to decision-makers.
Consistent with other objectives?	Yes, all the objectives have been assessed and work together to achieve the sustainable management of natural resources in the Wellington Region.
<b>Achievability</b>	
Will it be clear when the objective has been achieved in the future? Is the objective measureable and how would its achievement be measured?	This objective does not have a timeframe, instead it is ongoing. It is measureable in that monitoring of activities with resource consents in the CMA and in the beds of lakes and rivers that could have impacts on natural processes and other effects on the environment.

Is it expected that the objective will be achieved within the life of the proposed Plan or is it an aspirational objective that will be achieved sometime in the future?	This objective does not have a set timeframe.
Does the WRC have the functions, powers, and policy tools to ensure that they can be achieved? Can you describe them?	Powers: section 30 Policy tools: many and varied through the proposed Plan, including both regulatory and non-regulatory
What other parties can the WRC realistically expect to influence to contribute to this outcome?	All resource users.
What risks have been identified in respect of outcomes?	The risks to important natural processes will be reduced through the achievement of this objective.
<b>Reasonableness</b>	
Does the objective seek an outcome that would have greater benefits environmentally, economically or socially compared with the costs necessary to achieve it?	Yes – this objective will have greater environmental benefits than the costs necessary to achieve it. The effects of adverse impacts on natural processes can have many consequences including some that can have a high community cost such as those associated with natural hazards and the added impacts associated with climate change.
Who is likely to be most affected by achieving the objective and what are the implications for them?	All resource users will be affected by the achievement of this objective through permitted activity conditions and policies in this proposed Plan placing requirements on their activities to avoid, remedy or mitigate effects on natural processes.
<b>Existing objectives</b>	
Are the existing objectives still relevant or useful?	While there is no specific existing objectives on natural processes in the CMA, it would currently be loosely addressed by the objectives on intrinsic and amenity values. Policy 7.2.2 addresses the removal of sand, shingle and shell from the foreshore or seabed and that not having an adverse effect on shoreline stability. The explanation points out that material should only be removed if natural processes can replace the material to avoid erosion.  For freshwater, the case is the same as for the CMA. There is no specific existing objective; instead there are more overarching objectives such as 4.1.4 on natural character, 4.1.6 on indigenous vegetation and habitats and 4.1.7 on amenity and recreational values. These objectives would also allow the consideration of the impacts of use and development on natural processes in freshwater systems. There is a more specific operative policy (4.2.9) which states that regard shall be given to the characteristics of wetlands and lakes and rivers and their margins including the impacts on natural flow characteristics and hydraulic processes (such as sediment transport) and the topography and physical composition of rivers, lakes and the course of the river.

**Table A2: Objective O58 Noise**

Objective: O58	Noise, including underwater noise, from activities in the coastal marine area is managed to maintain the health and well-being of marine fauna, and the health and amenity value of users of the coastal marine area.
<b>Relevance</b>	
Directly related to resource management issue?	Yes, this objective relates to Issue 6.4
Will achieve one or more aspects of the purpose and principles of the RMA?	Yes, Part 2 and all of section 5, and section 7(c) and section 7(d).
Relevant to Māori environmental issues? (sections 6(e),6(g),7(aa),8)	Yes, relevant to all of these through joint values framework approach.
Relevant to statutory functions or to give effect to another plan or policy (i.e. NPS-FM, RPS)?	Yes, RMA section 16, Policy 11 of the NZCPS.
<b>Usefulness</b>	
Will effectively guide decision-making?	Yes, guides consenting process when assessing activities with potential noise effects in the CMA. There is currently some guidance in the Coastal Plan in the general standards and terms relating to noise in the Commercial Port Area and outside it.
Meets sound principles for writing objectives? (specific; state what is to be achieved where and when; relate to the issue; able to be assessed)	This objective is specific in its desire to protect marine fauna and users of the CMA from the adverse effects of noise. It provides appropriate guidance to decision-makers.
Consistent with other objectives?	Yes, all the objectives have been assessed and work together to achieve the sustainable management of natural resources in the Wellington Region. In particular, proposed Objectives O4 and O25 are most relevant to this objective.
<b>Achievability</b>	
Will it be clear when the objective has been achieved in the future? Is the objective measureable and how would its achievement be measured?	This objective does not have a timeframe, instead it is ongoing. It is measureable in that monitoring of activities with resource consents in the CMA that create noise will occur and the effects they have on the environment.
Is it expected that the objective will be achieved within the life of the proposed Plan or is it an aspirational objective that will be achieved sometime in the future?	This objective does not have a set timeframe.

Does the WRC have the functions, powers, and policy tools to ensure that they can be achieved? Can you describe them?	Powers: section 16 Policy tools: many and varied through the proposed Plan, including both regulatory and non-regulatory
What other parties can the WRC realistically expect to influence to contribute to this outcome?	All resource users.
What risks have been identified in respect of outcomes?	The risks to aquatic ecosystem health and mahinga kai will be reduced through the achievement of this objective.
<b>Reasonableness</b>	
Does the objective seek an outcome that would have greater benefits either environmentally, economically or socially compared with the costs necessary to achieve it?	Yes – this objective will have greater environmental benefits than the costs necessary to achieve it. There is a strong desire from the community to ensure that marine fauna are not adversely affected by noise in the CMA.
Who is likely to be most affected by achieving the objective and what are the implications for them?	All resource users will be affected by the achievement of this objective through permitted activity conditions and policies in this proposed Plan placing requirements on their activities to avoid, remedy or mitigate effects on ecosystem health and mahinga kai.
<b>Existing objectives</b>	
Are the existing objectives still relevant or useful?	No, there is no existing objective on underwater noise in the CMA. An issue was identified as excessive noise generated by activities in the CMA that may cause adverse effects on users and residents adjoining the CMA. General standards and terms were included in the Coastal Plan to manage the effects of noise in the CMA both inside and outside of the Commercial Port Area. An 'Environmental Result Anticipated' (17.1.15) sought that the adverse effects from excessive noise in the CMA are minimised.

## Identifying alternative policies, rules and other methods

**Table A3: Provisions for reclamation**

		Option 1 – Status Quo	Option 2 – proposed Plan
Costs (of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions)	The WRC	Costs associated with resource consent applications, hearings and staff time in preparation of the WRC's case. The Coastal Plan did not provide for developments of a national benefit, only public works.	Similar cost to Option 1. The proposed policy is clear about what situation may be suitable for reclamation which may in turn reduce the WRC's costs.
	Resource user (consent applicant or permitted use)	Resource user costs are in applications, providing hearing evidence, and cost associated with any other appeals or furnishing further information.	Users will need to provide a detailed assessment of the relative benefit of their proposal if there is a regional or national benefit. Without a regional or national benefit, a resource consent for reclamation will be difficult to achieve.
	Community costs (environmental, social, economic, cultural)	Costs associated with hearings, gathering evidence against or in support of proposals, loss of coastal environment that may have been used for recreation or public access.  Environmental cost is in the loss of biodiversity unique or otherwise from the region as a result of reclamation.	Similar costs to option 1, if developments go ahead there is a loss of recreation, public access opportunities and loss of biodiversity and marine habitat. There are also community costs if the community decides to oppose an application, in the form of hearing evidence and time.
Benefits (of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions)	The WRC	Planning provisions give adequate protection to vulnerable marine ecosystems whilst allowing development to occur where the effects will be minor.	Similar to Option 1 benefits, however, improved policy position to achieve objectives. The benefit of reclamation is only claimed for regional or national benefit.
	Resource user (consent applicant or permitted use)	There is some benefit in knowing through the resource consent process, any reclamation has a high test in the CMA.	Same benefit as in Option 1.
	Community benefits (environmental, social, economic, cultural)	Community benefits are in the high test of consent required to reclaim in the CMA. This protects community values and the marine environment from ad-hoc or poorly planned developments.	Same benefits in Option 1.

		Option 1 – Status Quo	Option 2 – proposed Plan
Efficiency (costs vs benefits) and effectiveness (will the provisions achieve the objective)		The resource consent approach and the policy background is the most effective means for reclamation of the CMA. Any area reclaimed is completely examined and full information disclosed before any decision to proceed. The process is not overly efficient however, as there are time delays and costs on all sides to the development process.	The proposed policy proposed and rule structure is not substantially different from the operative provisions. However better certainty is provided and processing would be more efficient.
Risks (of acting or not acting) (If there is uncertain or insufficient information)		Information about the CMA is not well known for the entire region. This is improving and in applications for reclamations in recent history there has been a higher level of information provided on the effects of the proposal on coastal processes. There still remains a risk however to developments in the CMA.	The risks have not changed considerably from the Coastal Plan. There are risks in changes to coastal processes associated with reclamation of the seabed. These risks are countered with better information and modelling of the effects. As reclamation is permanent and irreversible, risk is very high if we do not act i.e. if we have a less clear/restricted approach.
Appropriateness (If it is efficient and effective then it must be appropriate)		This option is not appropriate as it fails to acknowledge and provide for the policies for reclamation and in the management of natural resources considered to be appropriate to meeting the purpose of the RMA.	The new provisions are appropriate given the high level of effectiveness and efficiency in achieving the proposed Plan's objectives and meeting the purpose of the RMA.
Conclusions		Option 1 is not considered to be the most effective or efficient means of achieving the proposed objectives or meeting the purpose of the RMA.	The proposed provisions for reclamation are considered the most efficient and effective for meeting the purpose of the RMA by managing the resource sustainably and in a manner that provides for the community's economic, social and cultural well-being.

**Table A4: Provisions for disturbance, deposition and destruction**

		Option 1 – Status Quo	Option 2 – proposed Plan
Costs (of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions)	The WRC	Under the status quo, the Coastal Plan seeks to manage activities in these areas, and therefore consent processing time and cost is used to assess applications triggered by the current rules structure.	Costs are similar in the proposed policy and rules structure as in Option 1. The same costs to the WRC apply with the time and cost to manage consent applications for any large change to the CMA.
	Resource user (consent applicant or permitted use)	Applicants can expect costs under the Coastal Plan in respect of the resource consent requirements for the type of activity that can take place in the CMA.  As many of these types of activities trigger the need for non-complying consent, financial and time costs are anticipated to be moderate to high.	Activities that take place in the CMA are currently managed under the Coastal Plan, and will continue to be managed under the proposed Plan. The activities are generally discretionary to non-complying activities.  Option 2 places a greater emphasis on the protection of the values of sites of significance, and provides a comprehensive policy structure against which applications can be properly assessed.  The proposed alternative may result in additional costs being incurred by applicants as they prepare information necessary for activities to be assessed by the WRC.
	Community costs (environmental, social, economic, cultural)	Under the status quo, the specific values that contribute to sites of significance are not specifically highlighted in the Coastal Plan, and provisions are not designed to provide for these values. This raises the potential for these values, which contribute to a range of social, cultural and environmental indicators, being lost, degraded or compromised.	There is a cost to the community (in terms of rates) incurred by the WRC undertaking work to identify the significant values in these locations of the region.

		Option 1 – Status Quo	Option 2 – proposed Plan
Benefits (of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions)	The WRC	A key benefit to the WRC related to the status quo is that systems and approaches to assessment that are understood by the WRC and applicants alike can be retained.	The preferred alternative approach allows the WRC to take a leadership role in ensuring that the values of these important physical, cultural, economic, environmental and social resources are recognised and provided for through the proposed Plan.  The approach is critical to the overall integrated catchment management approach of the proposed Plan.
	Resource user (consent applicant/licensed operator or permitted use)	Currently, applicants benefit as they do not have to consider, and make provision for, the protection of particular values which certain activities, such as dredging, deposition or destruction could adversely affect.	Resource users and applicants are made better aware of the potential impacts of some activities on significant values of these locations, and enabled to design and carry out works that protect them.
	Community benefits (environmental, social, economic, cultural)	The status quo manages activities that can adversely affect significant values of these locations, but does not manage them for that particular effect.  Nevertheless some limited protection may be afforded to these significant values through the implementation of mitigation measures to manage or avoid other adverse effects.	The preferred alternative to the status quo identifies significant values and provides measures in a number of policies and through the rules structure for certain relevant activities to protect them. This will raise awareness within the community as to the presence of these values, and of their importance as social, cultural, recreational, economic and environmental assets. The implementation of the provisions will ensure that effects of development on these values are taken into consideration during the application assessment phase, and adverse effects avoided, remedied or mitigated as appropriate. Community values of the CMA are also given better recognition.

		Option 1 – Status Quo	Option 2 – proposed Plan
Efficiency (costs vs benefits) and effectiveness (will the provisions achieve the objective)		The operative approach is not effective in achieving the proposed objective as the provisions in the Coastal Plan do not take into account the range of significant values associated with these locations. The status quo is efficient in terms of economic costs; however the environmental and social (recreational) costs outweigh any benefits that accrue from the status quo.	The implementation of the preferred approach will result in more costs to the WRC in determining, identifying and maintaining the schedules of significant values. Other costs are anticipated to be largely similar to the status quo, as the WRC already assesses applications for activities that are proposed to be assessed for effects on these values. Some applicants may incur additional costs over the status quo in identifying and providing for adverse effects on these values. However, the implementation of the proposed provisions will ensure that the adverse effects of development on these values are considered and measures taken to avoid, remedy and mitigate them, resulting in environmental and social benefits that will outweigh the costs. The proposed provisions will ensure that the objective is achieved, which is an effective approach.
Risks (of acting or not acting) (If there is uncertain or insufficient information)		At the time of the notification of the Coastal Plan, the WRC and the community had an incomplete understanding of the significant values of these locations, and the potential and actual impacts of certain development on them. As such, not acting with a specific values-oriented approach was not seen as risky. However, the development of the identification criteria and subsequent identification of values in these locations has demonstrated the significance of the issue, and provided WRC with sufficient information with which to act.	The identification criteria and the work to identify values in these locations have provided the WRC with sufficient information with which to act in a more targeted and regulatory way. To not act, given this information, would be more risky than acting in terms of protecting significant values in the CMA.

		Option 1 – Status Quo	Option 2 – proposed Plan
Appropriateness (If it is efficient and effective then it must be appropriate)		This option is not appropriate as it fails to achieve the objective or meet the purpose of the RMA.	The new provisions are appropriate given the high level of efficiency and effectiveness for achieving the proposed Plan's objectives and meeting the purpose of the RMA.
Conclusions		Option 1 is not considered to be the most effective or efficient means of achieving the proposed objectives or meeting the purpose of the RMA.	Option 2 is considered to be the most effective and efficient means of achieving the proposed objective.

**Table A5: Provisions for pest plants and Biofoul cleaning**

		Option 1 – Status Quo	Option 2 – proposed Plan
Costs (of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions)	The WRC	Costs associated with processing resource consents, enforcement and prosecution for breaches of rules or consent conditions.	As for Option 1, expect there is additional enforcement and compliance for in-water hull cleaning of vessels, and greater surveillance of biofoul onshore and inshore operations.
	Resource user (consent applicant or permitted use)	Costs associated with applying for resource consent for planting activities in off-shore locations.	As for Option 1 for introducing plants not associated with a particular CMA. Other costs in knowledge and compliance with new standards for biofoul in-water and on dry-dock situations.
	Community costs (environmental, social, economic, cultural)	High potential cost to the community if another pest plant is allowed to enter the coastal environment without the necessary checks. The cost to removing such plants can be prohibitive and in historic cases there is no remedy except have the pest plant co-exist with other plants. This is not an ideal outcome for the coastal environment or for coast users and the community.	As for Option 1, addition cost for compliance with biofoul regulations.

		<b>Option 1 – Status Quo</b>	<b>Option 2 – proposed Plan</b>
Benefits (of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions)	The WRC	A high level of regulation protects the coastal environment from the addition of unwanted plants, except deliberate or accidental escapes.	As for Option 1, except added regulation and compliance around biofoul that further protects the coastal environment.
	Resource user (consent applicant/licensed operator or permitted use)	Resource users, if prescribed regulations are followed, have knowledge that their activity will not have detrimental effects on the coastal environment, and they may further their own activities and gather further benefits from those activities in the future.	Same benefits as in Option 1
	Community benefits (environmental, social, economic, Cultural)	Communities will benefit from the protection of the coastal environment and in doing so provide further benefits to recreation and public access to places that historically have always been there for people to use.	The new proposed provisions will have similar benefits to the community from the existing provisions, and further protection is provided for in the biofoul provisions.
Efficiency (costs vs benefits) and effectiveness (will the provisions achieve the objective)		The planting of exotic plants is not a common activity in the coastal environment. The operative provisions are there to protect the environment and are the most effective way of providing for protection. The efficiency of the provisions has not proven to be an issue, as there is very low number of applications for the WRC.	The effectiveness and efficiency are unchanged from the Coastal Plan. This option is the most appropriate method to manage this situation, as any other lesser position would not provide the WRC with enough certainty that the coast environment is protected. The efficiency aspect is unchanged from the Option 1.
Risks (of acting or not acting) (If there is uncertain or insufficient information)		The status quo approach was developed on sufficient information, and monitoring and evaluation of the effects of the implementation of the existing policy have demonstrated that it is resulting in the resource being well managed.	The level of information about pest plants has not changed from the Coastal Plan. The proposed proposals provide further certainty on pest plants for further work completed by government authorities in the past decade.
Appropriateness (If it is efficient and effective then it must be appropriate)		This option is not appropriate as it fails to acknowledge and provide for new information on plant pests and recent information on biofoul that the proposed Plan should address.	The new provisions are appropriate given the high level of efficiency and effectiveness for achieving the proposed Plan's objectives and meeting the purpose of the RMA.

		Option 1 – Status Quo	Option 2 – proposed Plan
Conclusions		Option 1 is not considered to be the most effective or efficient means of achieving the proposed objectives or meeting the purpose of the RMA.	The proposed provisions for the management of the region's pest planting and biofoul in the coastal environment are considered the most efficient and effective for meeting the purpose of the RMA by managing the resource sustainably and in a manner that provides for the community's economic, social and cultural well-being.

**Table A6: Provisions for noise**

		Option 1 – Status Quo	Option 2 – proposed Plan
Costs (of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions)	The WRC	Costs and time incurred only at assessment stage of non-complying applications. Much of these costs would be recoverable.	Costs associated with processing applications for activities that may not be consistent with the policy on underwater noise (Policy P151). E.g. external advice/reports necessary.
	Resource user (consent applicant or permitted use)	Costs associated with resource users to provide an assessment that the activity will not have adverse effects may be high depending on the activity. Mitigation costs may also be high. There is a current lack of direction in the Coastal Plan which creates uncertainty for resource users.	Similar cost regime as in Option 1, except there is specific information in the provisions about what level of underwater noise is acceptable. This may reduce some of the initial costs for resource users and reduces uncertainty.
	Community costs (environmental, social, economic, cultural)	The Coastal Plan did not specifically protect the environment from underwater noise and this created a lack of certainty. However, this lack of specificity did not reduce the Coastal Plans' purpose in safeguarding underwater ecosystems.	The new policy approach is more certain and clear regarding underwater noise. The new provision provides the community with a level of support that activities in the CMA will be appropriately managed and the environment is protected.
Benefits (of the environmental, economic, social, and cultural effects that are anticipated from the implementation)	The WRC	The status quo provides sufficient protection of ecosystems with the operative provisions. However, there are vulnerabilities with this position as specific knowledge about certain activities is not declared.	Option 2 provides a defined benefit to the WRC on the type of activity and the policy response. This option is an advance on Option 1 with further information and planning. Option 2, is better in that the specifics about underwater noise are declared in objectives and policies.

		Option 1 – Status Quo	Option 2 – proposed Plan
of the provisions)	Resource user (consent applicant/licensed operator or permitted use)	Reduced costs for the resource user as they will not have to provide an assessment that the activity will not have adverse effects specifically in terms of underwater noise.	The resource user is clear about the WRC’s intention to protect coastal ecosystems from activities with associated underwater noise that would have significant adverse effects. Resource users and applicants enabled to undertake development and contribute to protection of underwater ecosystems and mammals that would be affected by excessive noise.
	Community benefits (environmental, social, economic, cultural)	The Coastal Plan affords benefits to the community through the provision of generic policies to protect the environment. The Coastal Plan however does not extend to specific policies and so the benefits whilst realised through the consenting process cannot be specifically reserved for further assessment.	Communities will benefit from the improved protection of ecosystems including mammals from underwater noise from the proposed objectives and policies in Option 2.
Efficiency (costs vs benefits) and effectiveness (will the provisions achieve the objective)		While there will be lower costs associated with Option 1 with no additional assessments required by applicants, this approach does not provide certainty for resource users or direction for consent processing officers.  Having only generic provisions loosely related to underwater noise will not provide the benefits of clarity and consistency and will not be effective at protecting marine ecosystems (including marine fauna) and people from the adverse effects of underwater noise.	The preferred approach is a new approach and will potentially result in further costs for applicants as a result of having to do underwater noise assessments to comply with the policy on underwater noise.  Costs will fall to developers and applicants who will need to take into account the underwater noise impacts of use and development on marine fauna. However, the benefits of implementing the provisions will far outweigh the economic costs. Benefits will accrue in terms of ensuring that marine ecosystems (including marine mammals) and people using the CMA will be protected under the proposed Plan. The proposed provisions are the most effective means of achieving proposed Objective 60.
Risks (of acting or not acting) (If there is uncertain or insufficient information)			The science behind underwater noise is new territory so there are some risks about acting on uncertain information. However, it is important to act on new information.

		<b>Option 1 – Status Quo</b>	<b>Option 2 – proposed Plan</b>
Appropriateness (If it is efficient and effective then it must be appropriate)		This option is not appropriate as it fails to achieve the objective or meet the purpose of the RMA.	The new provisions are appropriate given the high level of efficiency and effectiveness for achieving the proposed Plan's objectives and meeting the purpose of the RMA.
Conclusions		Option 1 is not considered to be the most effective or efficient means of achieving the proposed objective or meeting the purpose of the RMA.	Option 2 is considered to be the most effective and efficient means of achieving proposed Objective 60. Option 2 meets the purpose of the RMA.

## Appendix 2

### Section 12 of the RMA

#### *12 Restrictions on use of coastal marine area*

*(1) No person may, in the coastal marine area,—*

*(a) reclaim or drain any foreshore or seabed; or*

*(b) erect, reconstruct, place, alter, extend, remove, or demolish any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed; or*

*(c) disturb any foreshore or seabed (including by excavating, drilling, or tunnelling) in a manner that has or is likely to have an adverse effect on the foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal); or*

*(d) deposit in, on, or under any foreshore or seabed any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed; or*

*(e) destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on plants or animals or their habitat; or*

*(f) introduce or plant any exotic or introduced plant in, on, or under the foreshore or seabed; or*

*(g) destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on historic heritage—*

*unless expressly allowed by a national environmental standard, a rule in a regional coastal plan as well as a rule in a proposed regional coastal plan for the same region (if there is one), or a resource consent. (2) No person may, unless expressly allowed by a national environmental standard, a rule in a regional coastal plan or in any proposed regional coastal plan for the same region, or a resource consent,—*

*(a) occupy any part of the common marine and coastal area; or*

*(b) remove any sand, shingle, shell, or other natural material from that area*

*(3) Without limiting subsection (1), no person may carry out any activity—*

*(a) in, on, under, or over any coastal marine area; or*

*(b) in relation to any natural and physical resources contained within any coastal marine area,—*

*in a manner that contravenes a national environmental standard, a rule in a regional coastal plan, or a rule in a proposed regional coastal plan for the same region (if there is one) unless the activity is expressly allowed by a resource consent or allowed by section 20A (certain existing lawful activities allowed). (4) In this Act,—*

*(a) (Repealed)*

*(b) **remove any sand, shingle, shell, or other natural material** means to take any of that material in such quantities or in such circumstances that, but for the national environmental standard or the rule in the regional coastal plan or the holding of a resource consent, a licence or profit à prendre to do so would be necessary.*

*(5) This section applies to overflying by aircraft only to the extent to which noise emission controls for airports within the coastal marine area have been prescribed by a national environmental standard or set by a regional council.*

*(6) This section shall not apply to anything to which section 15A or 15B applies.*

### **Section 13 of the RMA**

*13 Restriction on certain uses of beds of lakes and rivers*

*(1) No person may, in relation to the bed of any lake or river,—*

*(a) use, erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed; or*

*(b) excavate, drill, tunnel, or otherwise disturb the bed; or*

*(c) introduce or plant any plant or any part of any plant (whether exotic or indigenous) in, on, or under the bed; or*

*(d) deposit any substance in, on, or under the bed; or*

*(e) reclaim or drain the bed—*

*unless expressly allowed by a national environmental standard, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.*

*(2) No person may do an activity described in subsection (2A) in a manner that contravenes a national environmental standard or a regional rule unless the activity—*

*(a) is expressly allowed by a resource consent; or*

*(b) is an activity allowed by [section 20A](#).*

*(2A) The activities are—*

*(a) to enter onto or pass across the bed of a lake or river:*

*(b) to damage, destroy, disturb, or remove a plant or a part of a plant, whether exotic or indigenous, in, on, or under the bed of a lake or river:*

*(c) to damage, destroy, disturb, or remove the habitats of plants or parts of plants, whether exotic or indigenous, in, on, or under the bed of a lake or river:*

*(d) to damage, destroy, disturb, or remove the habitats of animals in, on, or under the bed of a lake or river.*

*(3) This section does not apply to any use of land in the coastal marine area.*

*(4) Nothing in this section limits [section 9](#).*

## **Section 16 of the RMA**

### **16 Duty to avoid unreasonable noise**

*(1) Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.*

*(2) A national environmental standard, plan, or resource consent made or granted for the purposes of any of sections 9, 12, 13, 14, 15, 15A, and 15B may prescribe noise emission standards, and is not limited in its ability to do so by subsection (1).*

The Greater Wellington Regional Council's purpose is to enrich life in the Wellington Region by building resilient, connected and prosperous communities, protecting and enhancing our natural assets, and inspiring pride in what makes us unique

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July 2015  
GW/EP-G-15/62



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