

REPORT

ENVIRONMENT BAY OF PLENTY

Independent Assessment of the
Proposal to Nominate Ohiwa
Harbour as a Wetland of
International Importance

Report prepared for:
ENVIRONMENT BAY OF PLENTY

Report prepared by:
TONKIN & TAYLOR LTD

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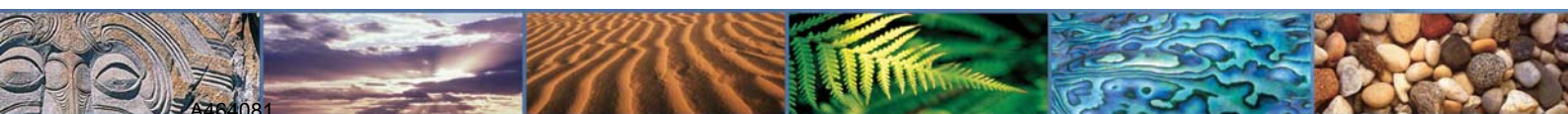


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1 Introduction

1.1 Purpose of Report

This report has been prepared in response to a request from Environment Bay of Plenty (EBOP) for a comprehensive and independent assessment of the implications of the Ohiwa Harbour in eastern Bay of Plenty becoming a Wetland of International Importance – a “Ramsar” site.

Specifically the brief’s aim was stated as:

“To provide an **objective consideration** of the likely implications, both positive and negative, of a successful nomination by Environment Bay of Plenty for Ohiwa Harbour as a Wetland of International Importance.”

The brief stated that the purpose of the study was to provide responses to the perceptions of what Ramsar status would mean for the Harbour, development and local government and to develop an objective picture of the implications of a successful nomination.

As requested by EBOP, the assessment does not include the ecological values of the Ohiwa Harbour (except in as much as they relate to the perceptions of the impact of listing). The report has been prepared on the assumption that Ohiwa Harbour is able to meet the criteria in order to attain Ramsar status.

The report addresses issues relating to a successful nomination. It does not address activities and costs involved in the nomination process.

1.2 Background

The Convention on Wetlands of International Importance, commonly known as the ‘Ramsar Convention’, is an intergovernmental treaty established in 1971 for the purpose of protecting wetlands worldwide. The Convention provides the framework for national action and international co-operation for the conservation and wise use of wetlands and their resources.

The concept of nominating Ohiwa Harbour as a Wetland of International Importance has been around since at least 1994. Consideration of the Harbour for nomination is also one of the actions proposed in the Ohiwa Harbour Strategy, a joint strategy prepared by EBOP in partnership with District Councils and Iwi. An indicative site boundary for a potential Ramsar site has been developed by EBOP, as the basis for discussion.

Public consultation undertaken by EBOP in late 2006, in conjunction with that for the draft Ohiwa Harbour Strategy, elicited mostly positive public responses. Some individuals and organisations requested further investigations (including the implications on local use and management) whilst others were against the proposal for reasons that included the potential for extra costs to ratepayers, the creation of extra rules, and the potential for ceding control to an international body.

An Officer Report was prepared by EBOP on the implications of a successful nomination. The Officer’s Report was reviewed by a Hearing Committee. The Committee made the decision that targeted consultation should be undertaken to test perceptions emerging from the consultation process, including further discussions with Iwi, the territorial authorities and adjacent landowners.

EBOP is of the opinion that a report on the implications of a successful nomination, undertaken and presented by an independent consultant would better inform this process. Tonkin & Taylor Ltd was therefore commissioned by EBOP to undertake such a review.

1.3 Methodology

The assessment has been undertaken in the following way:

1. Review of information relating to the Ramsar Convention and Wetlands of International Importance. This involved accessing information from both the Convention's and the Department of Conservation's (DOC) websites, as well as reviewing information made available by EBOP.
2. Discussion with Horizons Regional Council whose jurisdictional area includes a Wetland of International Importance (the Manawatu Estuary) to gain an understanding of the implications of Ramsar listing.
3. Preparation of an interim report in August 2008. The interim report facilitated discussion on the issues of concern based on factual information on the implications of Ramsar listing. The interim report provided background information on what Ramsar status of the Ohiwa Harbour would mean for development, local government, users and cultural practices.
4. Consultation with identified stakeholders. These were:
 - Opotiki District Council
 - Whakatane District Council
 - Department of Conservation
 - Iwi (Ngati Awa, Whakatohea, Tuhoe and Upokorehe)
 - landowners and farmers adjacent to the harbour; and
 - developers, business owners and recreational groups

A copy of the interim report was circulated and invitations were sent to the stakeholders to attend meetings with Tonkin & Taylor and EBOP staff to discuss the implications of Ramsar listing and to identify issues of interest.

5. Discussion with Environment Waikato and Franklin District Council with regard to the Firth of Thames Ramsar site to identify whether Ramsar status has resulted in changes to statutory processes under the Resource Management Act.
6. A discussion with real estate agents in the Firth of Thames area to assess whether Ramsar listing has resulted in any particular changes to property values, in order to contribute to a qualitative discussion of the potential economic costs of Ramsar listing.

1.4 Structure of Report

This report is structured into a number of sections as follows:

- Information on the Ramsar Convention and what the obligations are. This includes management, reporting and monitoring requirements.
- An outline of current management of the Ohiwa Harbour - what controls and programmes are currently in place, and the parties involved in that management.

- A summary of points raised by various stakeholders in meetings conducted specifically as part of this assessment.
- Information on the experience with two other Ramsar sites – the Manawatu Estuary and the Firth of Thames.
- Identification of the implications of Ramsar listing of the Ohiwa Harbour on various processes and parties. This includes aspects such as governance, statutory provisions and resource management processes, cultural practice and kaitiaki, use of the harbour, management requirements and reporting, and non-compliance issues.
- An assessment of potential economic effects.
- The potential benefits of Ramsar listing.
- A qualitative and summary cost/benefit assessment based on the facts and findings of this independent assessment.
- A summary of our assessment and findings.

2 The Ramsar Convention & Associated Obligations

The Convention on Wetlands of International Importance aims to protect wetlands worldwide through promoting the 'wise use' concept. Ramsar recognises the most ecologically important wetlands in the world. So far, more than 1,400 wetlands in the world have been included in the List of Wetlands of International Importance.

2.1 Ramsar and New Zealand

The New Zealand Government became a party to the Convention in 1976. To date, New Zealand has had six wetlands included on the list. These are Farewell Spit, Firth of Thames, Whangamarino Wetland, Kopuatai Peat Dome, Waituna Lagoon, and the Manawatu River Estuary.

DOC administers the Ramsar Convention in New Zealand. Its role is to advise Government on the appropriateness of nomination proposals. It can also prepare its own nomination proposals. It also has management and reporting roles as noted in the following sections.

2.2 Ramsar and the 'Wise Use' Concept

The 'wise use' concept is an important aspect of wetland management under Ramsar. This concept was clarified by the Ramsar Conference of the Parties in 1987 with the following definition:

'The wise use of wetlands is their sustainable utilisation for the benefit of mankind in a way compatible with the maintenance of the natural properties of the ecosystem.'

The Ramsar Convention Manual states that "wise use" is synonymous with sustainable use.

It appears that the wise use concept accords well with sustainable management legislation managing effects of uses and activities within New Zealand (e.g. the Resource Management Act 1991).

2.3 Recognition of Indigenous People

The Ramsar Convention recognises the role of "indigenous people" in Ramsar sites. Specifically, the *New Guidelines for Management Planning for Ramsar Sites* (Ramsar Secretariat, 2002) strongly encourage indigenous people to take an active role in planning and in the joint management of Ramsar sites. The involvement of indigenous people is particularly important where they are the custodians of the site.

Ramsar Handbook 5: Participatory skills (2007) recognises that indigenous people's involvement in the management of wetlands is beneficial for two principal reasons:

- without it, the long-term sustainability of many wetland ecosystems would be in jeopardy; and,
- local and indigenous people benefit from the sustainable use of wetland resources for livelihoods, recreation, and socio-cultural or spiritual reasons.

Recommendation 6.3 of the Conference of Contracting Parties 6 (1996) called upon the Parties “to make specific efforts to encourage active and informed participation of local and indigenous people at Ramsar listed sites and other wetlands and their catchments, and their direct involvement, through appropriate mechanisms, in wetland management”.

2.4 General Ramsar Obligations

Guidelines prepared by Ramsar call upon Contracting Parties (New Zealand Government) to:

1. designate wetlands for inclusion on the List of Wetlands of International Importance;
2. promote the significance of these wetlands and monitor and advise of any changes to their ecological character;
3. promote the wise use of all wetlands, especially through formulating and implementing national policy on wetland conservation management;
4. promote conservation of wetlands and waterfowl by establishing nature reserves on wetlands generally, to compensate for any loss of wetland resources of listed sites, encourage research, increase waterfowl populations and promote training in wetlands research, management and wardening;
5. promote international co-operation in wetlands conservation, including the sharing of resources and expertise; and,
6. be represented at Conferences of the Contracting Parties, to govern implementation of the Convention.

As reported on the DOC web site, the Wetlands Convention requires Contracting Parties to regularly report to the Ramsar Secretariat on work that has been undertaken to implement the Convention and on the management of sites that have been listed as Wetlands of International Importance. DOC coordinates the preparation of these national reports.

Becoming a Contracting Party means a Party must follow the above guidelines.

2.5 Management Framework for Listed Sites

2.5.1 Requirements

Management of a Ramsar site is an obligation (albeit a flexible one) required to be delivered under the Ramsar Convention by DOC, as the administering authority for New Zealand. The *New Guidelines for Management Planning for Ramsar Sites and Other Wetlands* (Ramsar Secretariat, 2002) confirm that a management plan must be prepared for a Ramsar site, and that the plan should be integrated into the public planning system at a local, regional or national level to ensure implementation.

The management plan must be prepared to provide an overall agreement between various managers, owners, occupiers and other stakeholders. The Guidelines suggest that the management plan should be a technical document. The Guidelines also suggest that the size of the management plan, and resources made available for its production, should be in proportion to the size and complexity of the site, and the total resources available for the safeguarding and/or management of the site.

The Guidelines also suggest that an authority, clearly identified to all stakeholders, should be appointed to implement the management planning process. In other words, once a site has been listed as a Wetland of International Importance, there is a need to set up a “Managing Authority” for the site. This may comprise one organisation or a consortium.

The Guidelines identify the most important functions of a wetland management planning process and management plan as:

Function I	Identify the objectives of site management;
Function II	Identify the factors that affect, or may affect, the features;
Function III	To resolve conflicts;
Function IV	Define monitoring requirements;
Function V	Identify and describe the management required to achieve the objectives;
Function VI	Maintain continuity of effective management;
Function VII	Obtain resources;
Function VIII	Enable communication within and between sites, organisations and stakeholders;
Function IX	Demonstrate that management is effective and efficient;
Function X	Ensure compliance with local, national and international policies.

The format of a management plan, as recommended by the Guidelines should comprise five main sections reflecting the main steps in the management planning process:

- Preamble/Policy;
- Description;
- Evaluation;
- Objectives; and
- Action Plan.

2.6 Monitoring

A Ramsar site must be monitored in order to fulfil the requirements under the Ramsar Convention.

The monitoring must include *‘monitoring the status and trends, including the identification of reductions in existing threats and the appearance of new threats’*.

Monitoring data on each Ramsar site within a country must be provided six yearly to the Ramsar Secretariat by DOC via a Reporting Information Sheet (RIS). Monitoring data is required to be submitted to the Ramsar Secretariat where a significant Ramsar site value is adversely affected.

The level of detail and monitoring is not prescribed by Ramsar. Monitoring can be carried out at different levels of intensity, depending on available funding and/or technology but should include monitoring in respect of ecological character, socio-economic matters, cultural matters and other features. However, it is important that there is a means to assess the effectiveness of the monitoring programme in achieving the objectives of the management plan and the identification of any shortfalls.

DOC, as the Ramsar administering authority, is the organisation that has to provide this monitoring information to Ramsar. However, information is required to be provided to DOC by the Managing Authority.

2.7 Reporting

Contracting Parties (New Zealand Government) must report on the implementation of the Convention. The duty of reporting is delegated to DOC as the national administrator of the Convention. Parties (DOC) must submit three yearly national reports on the implementation of the Convention and national priorities. In addition, Parties are expected to report, to the Secretariat, any changes or threats to the ecological character of their listed wetlands and to respond to the Secretariat's inquiries about such reports received from third parties.

2.8 Non-compliance with Ramsar Obligations

2.8.1 General

The Ramsar Convention is a non-regulatory regime and has no punitive sanctions for violations or for defaulting upon commitments. However, whilst not binding in international law, the treaty does constitute an international solemn agreement. The Ramsar philosophy is based upon an expectation of common and equitably shared transparent accountability.

Failure to meet the commitments can have the following implications:

- Political and diplomatic discomfort in high profile international fora or in media;
- Prevention from getting the most out of what would otherwise be a robust and coherent system of checks and balances and mutual support frameworks;
- Adversely affect efforts to secure international funding for wetland conservation.

A site can be transferred to the "Montreux Record" if the ecological qualities of a particular site are adversely affected.

2.8.2 The Montreux Record

The Montreux Record is a register of wetland sites on the List of Wetlands of International Importance where adverse changes in ecological character have occurred, are occurring, or are likely to occur as a result of technological developments, pollution or other human interference. It is maintained as part of the Ramsar List. A site can be 'relegated' to the Montreux Record if the monitoring shows there are adverse effects that have affected or are affecting the inherent values of the site.

The Montreux Record is used to identify priority sites for positive national and international conservation attention. We understand that if a wetland is placed on the Montreux List, the Ramsar Advisory Mission can provide technical assistance and once the adverse effects upon the wetland have been remedied or mitigated, the wetland is placed back on the Ramsar List.

3 Ohiwa Harbour – Current Management

3.1 Ohiwa Harbour Strategy

3.1.1 Background

The Ohiwa Harbour Strategy (the 'Strategy'), updated in June 2008, covers the Ohiwa Harbour and the land catchment area that feeds into it. Preparation of the Strategy had been commenced in 2002. The Strategy has been produced through a partnership between those local authorities with responsibilities for the harbour, Iwi and other parties. EBOP fulfilled the role of drafting the Strategy and co-ordinating the Strategy production process. The strategy was prepared on behalf of partners that helped develop it and make it happen. The Strategy has been approved by Whakatane District Council, Opotiki District Council and Environment Bay of Plenty.

The Strategy sets out a vision for Ohiwa Harbour, identifies issues, key community values and aspirations, and recommends actions to achieve those. It states that it is designed to take the Ohiwa Harbour and catchment from where it is now, to where people want it to be in the future. It promotes integrated resource management by acknowledging that what happens on the land of the catchment can affect the Ohiwa Harbour. It promotes integration of the wide variety of plans, processes and practices used by councils, government departments, iwi, hapu and members of the community so that these are used to build on each other.

The Strategy is a non-statutory document. It provides guidance for the integrated management of the Harbour and catchment.

3.1.2 Objectives and Policies for the Harbour

The objective of the Strategy is to: *"Maintain and enhance the health and natural qualities of Ohiwa Harbour."*

The associated policies deal with the following issues:

1. The health of Ohiwa Harbour and its tributaries;
2. Development within the natural context of the Harbour;
3. Management of recreation;
4. Access;
5. Tikanga and kawa for Ohiwa Harbour;
6. Education and information; and,
7. Ecological values.

3.1.3 Roles of Agencies and Organisations

The Strategy identifies the various groups and organisations involved in managing Ohiwa Harbour. The Strategy provides a brief description of their roles in the context of the Strategy as summarised below.

3.1.3.1 Local Iwi

The Strategy identifies the role of iwi as providing a kaitiakitanga focus context for management of actions in the Harbour. Whakatohea, Upokorehe, Ngati Awa and Tuhoë exercise kaitiakitanga of Ohiwa Harbour and its catchment. Kaitiakitanga is inextricably linked to tino rangatiratanga and embraces a diverse set of practices, designed to achieve sustainable management of resources.

The practice of kaitiakitanga involves active engagement in resource management processes such as consultation, the preparation of cultural assessments, implementation of restoration and enhancement projects, protection and management of cultural / archaeological sites, and monitoring of the environmental effects of activities.

The Strategy acknowledges the presence of two iwi planning documents operating within the harbour:

- Tawharau o Whakatohea (1993)
- Draft "Providing for Kaitiakitanga in Ohiwa Harbour" - Iwi planning document

The Strategy also acknowledges that Runanga o Ngati Awa holds statutory acknowledgement in respect of its relationship with Ohiwa Harbour. This imposes obligations on statutory organisations.

3.1.3.2 Environment Bay of Plenty (EBOP)

The Strategy identifies EBOP's role as regional council for the Bay of Plenty in the context of the RMA, which seeks to ensure that natural and physical resources are sustainably managed. This includes managing discharges to land, air and water, managing the use and development of land and water resources, protection of heritage sites and managing contaminated sites.

The Strategy identifies that EBOP is responsible for flood management, pest management (plant and animal), soil conservation, river and harbour navigation and safety, natural hazards management and coastal management (such as aquaculture permits and structures).

The Strategy also identifies that EBOP undertakes non-regulatory functions in the Ohiwa Harbour area including: offering assistance with environmental management advice; preparation of environmental programmes; supporting care groups; and financial support through grants.

3.1.3.3 Opotiki and Whakatane District Councils

Opotiki and Whakatane District Councils promote the sustainable management of natural and physical resources under the RMA. The councils manage land-based activities and uses within the catchment of Ohiwa Harbour.

3.1.3.4 Department of Conservation (DOC)

The Strategy identifies DOC's role in the Ohiwa Harbour catchment as follows:

- Managing conservation land vested in the Crown;
- Protecting indigenous fauna including freshwater fish and their habitat;

- Advocating on conservation issues including protection of the habitat of indigenous flora and fauna, the coastal environment, natural and historic resources, wetlands and trout and their habitat; and,
- Wildlife Act enforcement, Marine Mammals Act, fire management responsibilities and Conservation Act requirements.

We understand that some areas within and adjacent to the Harbour are under the management control of DOC, and would therefore be subject to the Conservation Management Strategy. We understand that at present no reserve management plans exist for areas adjacent to Ohiwa Harbour.

The Ohiwa Harbour Strategy notes that DOC's role on private land is limited to advocacy but DOC does advise, facilitate, and provide practical assistance through providing protection and planting materials.

3.1.3.5 Ministry of Fisheries

The Strategy identifies that the Ministry of Fisheries' role is to ensure that freshwater fisheries are sustainably used within a healthy aquatic ecosystem through rules, limits and restrictions on recreational and commercial fishing activity.

3.1.3.6 Estuary Care Groups

Estuary Care Bay of Plenty represents a community partnership programme co-ordinated by EBOP with the support of territorial authorities and DOC. The group is made up of volunteers.

3.1.3.7 Other Agencies and Organisations

The Strategy refers to other agencies and organisations with parts to play in the management of the Harbour. These include: Landcare Trust; QEII National Trust; Fish and Game New Zealand; New Zealand Historic Places Trust; Nga Whenua Rahui; forestry operators; and Federated Farmers.

3.1.4 Specific Roles in Ohiwa Harbour Management

The Strategy represents an integrated management strategy which looks at ways in which statutory organisations (e.g. councils) and non-statutory organisations (e.g. Estuary Care Groups) can work together to provide for sustainable management of the Harbour resource. The Strategy recognises both the statutory function and non-statutory functions through which iwi/hapu exercise kaitiakitanga of the Harbour.

For example, statutory organisations manage Ohiwa Harbour through statutory regulations such as the RMA and the Local Government Act. This includes the recognition of Runanga o Ngati Awa's statutory acknowledgement and its relationship with the Harbour. Non-statutory organisations work to maintain or improve the health of the Harbour resource. All organisations and agencies work together in a common direction.

3.1.5 Monitoring of Ohiwa Harbour

The Strategy identifies a number of actions which are to be implemented as part of the management of Ohiwa Harbour. The implementation of these actions is identified in Appendix 1 of the Strategy. Three specific monitoring actions are identified:

- Management of Mangroves (Strategy ref 7.3.6);

- Monitoring Recreation Activities (Strategy ref 10.3.7); and,
- Review of Monitoring and Enforcement Regimes (Strategy ref 12.3.2).

We note that the management of mangroves will be actioned through the existing monitoring of mangroves under existing budgets provided by the Long-Term Council Community Plan and Annual Plan.

We note that monitoring of recreation activities is anticipated to require additional officer time and will be funded through the existing Long Term Council Community Plan and Annual Plan.

We also note that a review of monitoring and enforcement regimes is identified as a plan of action, partly to identify gaps in current monitoring. This action has implications in respect of existing monitoring currently undertaken in respect of the Harbour. The Strategy notes that extra resourcing need is anticipated for Opotiki District Council. However Whakatane District Council has existing resources to implement this action. We note that a comment is made in respect of extra resourcing being required for EBOP if an additional Estuary Care Officer role were to be established.

In our review of the Strategy we found a number of references to monitoring initiatives currently undertaken. These include:

- harbour water suspended solids, chlorophyll, salinity, and bacteria;
- long-term morphological changes and sedimentation assessment;
- metal contamination of shellfish and distribution of mangroves;
- water quality classification to provide a benchmark for monitoring and enhancement;
- management of public land;
- archaeological surveys;
- environmental effects of activities (kaitiakitanga);
- high value placed on harbour by community through planning regimes;
- recreational activities;
- sedimentation rates from survey cross sections of tidal flats;
- sedimentation rate from land use practices;
- wildlife;
- animal pests;
- shellfish stocks;
- acquisition opportunities;
- indigenous and migratory birds; and,
- indigenous fish species.

We understand that some of the above are monitored via EBOP's Freshwater Ecological Monitoring programme (FEM) whilst others are monitored as part of the Natural Environment Regional Monitoring Network (NERMN).

3.2 Regional and District Plans

3.2.1 EBOP Regional Coastal Environment Plan (RCEP)

The RCEP was made operative in 2003. The RCEP is the primary EBOP plan in respect of managing activities within Ohiwa Harbour. Within the overall Bay of Plenty coastal marine area four zones have been delineated. Two of these zones apply to the Ohiwa Harbour – the Coastal Habitat Preservation Zone and the more general Coastal Management Zone.

3.2.1.1 Coastal Habitat Protection Zone

Nine areas within the Ohiwa Harbour are zoned for Coastal Habitat Preservation.

The Coastal Habitat Preservation Zone aims to preserve its constituent habitats in perpetuity. These are habitats that are recognised as being essential to the natural character of the coastal environment and contributing significantly to the unique identity of the regional coastline. The emphasis is on excluding all activities which may have any actual or potential adverse effects on the habitats in this zone.

The Coastal Habitat Preservation Zone identifies those habitats which are of regional, national and/or international importance and provides a focused level of protection. All habitats identified in the DOC wildlife survey as supporting significant numbers of “at risk” marshbird species have also been included in the Coastal Habitat Preservation Zone.

The RCEP states that there are other components of the coastal marine area which have yet to be surveyed (in particular inter-tidal mudflats and all of the sub-tidal area). Any habitats identified as being of international, national or regional conservation value as a result of such research will need to be subsequently added to the Coastal Habitat Preservation Zone. It is possible that this applies to other areas of the Ohiwa Harbour.

Some activities are identified as prohibited activities specifically within the Coastal Habitat Preservation Zone:

- Rule 34 – structures on or after the date on which the RCEP was notified;
- Rule 44 – construction of open drains, removal of sand, shell, shingle and minerals, dredging and spoil disposal;
- Rule 78 – Reclamation (except for reclamation which occurred before 27 January 1995); and,
- Rule 82 – Introduction of exotic plant species.

A further range of activities are prohibited in the Coastal Habitat Preservation Zone as part of the list of prohibited activities for all zones - see section 3.2.1.4.

3.2.1.2 Coastal Management Zone

The Coastal Management Zone applies to all areas of the Ohiwa Harbour that are not covered by the Coastal Habitat Protection Zone.

The purpose of the Coastal Management Zone is to manage activities within it based on a case by case approach having regard to the values of the site and to allow developments to be considered in accordance with their actual and potential effects on the environment.

The RCEP states that much of this Zone is either unmodified or relatively unmodified, with high ecological values and with its natural character very much intact. Furthermore,

the Zone has significant amenity, visual and intrinsic values. However, it recognises that there may well be uses and developments which would be appropriate within this zone.

Under the Coastal Management Zone umbrella, there are a number of features which are specifically identified in the Ohiwa Harbour:

- Sites of Significance (on land);
- Regionally significant feature and landscape;
- Outstanding natural feature and landscape;
- Area Sensitive to Coastal Hazards;
- Mooring Zone; and
- Indicative Jet Ski Area.

Activities within the Coastal Management Zone which exceed permitted activity standard thresholds generally become a discretionary activity. The RCEP envisages that most activities within the Coastal Management Zone will require a discretionary activity consent. This includes discharges of contaminants to the coastal marine area under Rule 2.

A specific prohibited activity status rule applies in the Coastal Management Zone:

- Rule 24 - Erection or placement of a structure not expressly provided for within permanently navigable harbour waters.

A further range of activities are prohibited in the Coastal Management Zone as part of the list of prohibited activities for all zones - see Section 3.2.1.4.

3.2.1.3 Other Zones

In addition to the zones identified above, the RCEP identifies other ecologically significant areas and sites in the coastal marine area which are applicable to Ohiwa Harbour. These are sites of district or local significance and areas of significant conservation or cultural value.

Sites of district or local significance have been identified on the basis of their botanical value or marshbird habitat value whilst the areas of significant conservation or cultural value have been identified on the basis of their habitat, landscape, features and values.

3.2.1.4 Other Prohibited Activity Rules

There are a number of other prohibited activity status rules which apply to all zones, including the Coastal Habitat Preservation Zone and the Coastal Management Zone. These rules are:

- Rule 3 - Discharge of human sewage, other than from vessels, into the coastal marine area of harbours which has not passed through soil or wetlands;
- Rule 5 - Discharge of untreated sewage from vessels in Ohiwa Harbour within 500m seaward of the harbour entrance and within 500m of a marine farm or a gazetted Mataitai reserve;
- Rule 24 - Erection of structures in the not otherwise permitted within permanently navigable waters;
- Rule 47 - Disposal into the coastal marine area of any spoil from land-based activity (other than diversion, reclamation and beach replenishment);

- Rule 51 – deposition / disturbance of foreshore / seabed for the erection, reconstruction, alteration, extension, demolition or removal of structures which are a prohibited activity;
- Rule 58 – grazing of stock in the coastal marine area;
- Rule 63 – mining of sand, shell and shingle from the active beach system;
- Rule 75 – reclamations for: disposal of dredged materials; extensions to or creation of farmland, playing fields, urban and industrial areas excepting ports or other marine servicing facilities; car parks; or rubbish disposal;
- Rule 83 – Introduction or spreading of *Spartina* into the coastal marine area;
- Rule 84 – Eradication or control of *Spartina* by mechanical harvesting;
- Rule 87 – Dumping, or incineration of hazardous substances.

3.2.2 Opotiki District Plan (ODP)

The ODP was made operative in 2005 and details the specific objectives, policies and rules that have been adopted to promote the sustainable management of natural and physical resources in Opotiki District.

The ODP identifies a specific land-based Ohiwa Harbour Zone which is confirmed as being important spiritually, historically, culturally, ecologically, scientifically, and botanically, and an important area for recreation activities. The Harbour is also identified as a food source for the local iwi and hapu.

Land neighbouring the Ohiwa Harbour Zone and within Opotiki District Council's district boundary is zoned coastal and rural.

Ohiwa Harbour is identified as an outstanding landscape feature within the ODP.

3.2.3 Whakatane District Plan (WDP)

The proposed WDP (2006) details the specific objectives, policies and rules that have been adopted to promote the sustainable management of natural and physical resources in Whakatane District. Land adjoining Ohiwa Harbour within the Whakatane District is either zoned as Coastal Protection Zone or Rural Zone 3 (coastal).

The Coastal Protection Zone (CPZ) is a strip of land adjacent to the coastal marine area around the margins of Ohiwa Harbour and the coastline where it adjoins the urban area of Ohope. The CPZ defines the area in which WDC will manage those adverse effects of development or use which are likely to have a direct effect on the visual amenity and/or ecology of the Harbour, and provides a level of protection against coastal hazard events where required. The Zone effectively represents an open space zone not generally intended for development.

The Rural Zone 3 (coastal) manages: the natural hazard to the environment from coastal processes; the sensitivity of coastal wetlands, indigenous vegetation and foredunes to subdivision, use and development; and, the conservation of the existing natural character, particularly its landscape values.

Pockets of reserve land (land for passive and active public recreation) are located on the boundary of Ohiwa Harbour. Ohope Spit is identified as an outstanding natural feature and landscape.

3.3 Iwi Management Plans

The Whakatohea Resource Management Plan was prepared in July 1993. Review of this planning document is currently being considered to reflect case law and legislation changes since its publication.

The draft *Providing for Kaitiakitanga in Ohiwa Harbour* Iwi planning document (2005) has been prepared by tangata whenua. Tangata whenua have worked co-operatively with EBOP to develop draft processes that allow them to share information and work co-operatively with one another, statutory organisations and the community.

The document provides clarity about who to consult, when to consult, what the consultation process is likely to include, issues of concern to each iwi and hapu and processes to be undertaken to resolve them.

We also note the following legislation is also operating within the Harbour:

- Ngāti Awa Claims Settlement Act 2005, (Operative from 26/10/05)
- Deed of Settlement between the Crown and Ngāti Awa (2005), (Operative from 26/10/05)

3.4 Bylaws

Bylaws are rules or regulations that are created to control specific activities within a district or region. Their purposes include:

- Requiring activities to be licensed to ensure that activities are carried out in a safe and responsible manner.
- Informing the community about acceptable standards of behaviour in public places.
- Promoting a nuisance free environment, i.e. through rules on the keeping of animals.
- Ensuring that the public can safely use public land.

Bylaws regulating Ohiwa Harbour include:

- Whakatane District Council Consolidated Bylaw 1997 Pt 3 - Streets and Public Places;
- Whakatane District Council Consolidated Bylaw 1997 Pt 17 - Parks and Reserves;
- Opotiki District Council Public Places Bylaw 2008;
- Opotiki District Council Beach Bylaw 2008; and,
- Bay of Plenty Regional Navigation and Safety Bylaws 2004.

4 Summary of Stakeholder Meetings

4.1 Introduction

During this assessment, staff from Tonkin & Taylor, EBOP and DOC met with specific stakeholders to identify their interests and concerns. The following section summarises the consultation undertaken and main points that evolved.

4.2 Iwi

Representatives from Ngati Awa, Whakatohea, Tuhoe and Upokorehe attended a meeting on 13 August 2008. The points that were raised can be summarised as follows:

- the effect upon customary rights;
- imposition of international governance over the Ohiwa Harbour and effect upon Treaty Claims, statutory acknowledgements and Iwi management;
- how to control intense development of the Ohiwa Harbour and the emergence of mangroves;
- loss of food sources within the Ohiwa Harbour;
- historical concerns with the potential for 'hidden costs and requirements' to arise out of agreements and consultation;
- the lack of financial resources available to iwi to take part in management of a Ramsar site or consultation in relation to the process; and,
- the need for co-ordinated management with iwi in a management / steering role.

Attention was also drawn to various iwi management plans and roles in Ohiwa Harbour management that needed to be taken into account. Subsequent to the meeting, iwi representatives provided Tonkin & Taylor with specific comments on the Interim Report and made iwi management documents available for review.

No specific opinion was offered at the meeting or subsequently during the course of this study as to whether iwi support or do not support nomination of the Harbour for Ramsar listing. Iwi representatives expressed the need to take this question back to their people before confirming their support or otherwise for nomination.

4.3 Landowners, Farmers, Developers, Business Owners and Recreational Groups

Landowners, farmers, developers, business owners and recreational groups were invited to attend a consultation meeting on 13 August 2008. A number of key concerns evolved out of the meeting which are summarised below:

- the lack of information available on the budget that would be required to implement work if the Harbour were listed as a Ramsar site;
- the hidden costs of implementing and managing the site Ramsar (e.g. technical reports accompanying resource consent applications, additional consent processing resource requirements, employment of external consultants)
- the lack of a thorough and robust economic assessment;
- the potential for additional restrictions being imposed on the current use of harbour and its catchment (e.g. driving over the Ohiwa Harbour, development potential, vegetation clearance, earthworks etc.);

- the potential that groups opposed to further development in the area would use the listing as a means to frustrate development plans, resulting in delays and costly RMA processes; ie opposing resource consent applications and seeking plan changes;
- the (in)adequacy of the consultation being undertaken on the issue;
- the existing protection afforded to the Ohiwa Harbour is adequate;
- Ramsar listing will achieve no additional protection in its own right – a hollow tool; and,
- the limited direct benefits of Ramsar listing.

Overall, strong opposition was expressed at the meeting to the nomination of the Harbour as a Ramsar site due to what was a perceived costly and restrictive regime being imposed, potentially restricting landowners in the use of their land. Notwithstanding that, some attendees did not oppose the intent of the protection.

4.4 District Councils

Resource management planning staff from both Opotiki and Whakatane District Councils attended a meeting on 14 August 2008. The points that were made can be summarised as follows:

- a number of uncertainties surround Ramsar listing; for example:
 - the extent of the boundary and whether it could exclude part of the Harbour (eg that part 'within' Opotiki District);
 - impacts of listing upon areas outside Ramsar boundary;
 - impact upon iwi customary rights, and the need to be assured that those will not be adversely affected;
 - ceding of sovereignty;
 - development potential and potential ratepayer base;
 - potential for plan changes;
 - lack of management system; and
 - roles in the management system
- Whakatane District is looking to increase some provisions in its District Plan that will preserve character of Ohiwa Harbour (occurring independently of Ramsar);
- tourism is a potential growth area – having the Harbour listed as a Wetland of International Importance would be a marketing tool for the districts; and,
- historically, the Opotiki District Council has not supported the nomination of the Harbour as a Ramsar site, due the perception of increased restrictions on land use, and the fact that the Ohiwa Harbour Strategy is now providing the necessary management focus and is sufficient. Staff would need to update the Council based on the information gained through the current study.

4.5 Department of Conservation

A representative from DOC (Rotorua) attended all meetings, and the DOC Community Relations Officer (Whakatane) attended the meeting with the district councils on 14 August 2008.

Staff contributed information on the role of DOC in the Ramsar process (as reported elsewhere in this report).

5 Experiences from Other Ramsar Sites

5.1 Manawatu Estuary Ramsar Site

5.1.1 Introduction

The Manawatu Estuary, within the jurisdiction of Horizons Regional Council (HRC), was listed as a Wetland of International Importance in July 2005.

The Estuary nomination was led by the Royal Forest & Bird Protection Society, together with members of the Ornithological Society of New Zealand (the Manawatu Estuary Trust, hereafter called the 'Trust').

5.1.2 General Observations Post Ramsar Listing

The following general observation bullet points have been generated following our discussions with a senior biodiversity and water quality HRC staff member. The staff member has an integral role in the management set up for the Manawatu Estuary Ramsar site.

- Ramsar listing could be considered to be a “hollow listing” in that there is no regulation or penalty for failing to comply with Ramsar obligations.
- Ramsar listing can be beneficial where there are external pressures upon a significant wetland e.g. development pressure.
- Listing can be a useful tool to provide leverage for additional protection for a site.
- Ramsar listing is not necessary where there is already adequate statutory protection in place for a particular wetland site and limited development pressure.
- No additional statutory protection resulted for a Ramsar site after listing whilst an additional level of bureaucracy is introduced.
- For the Manawatu Estuary, there appear to be few benefits following Ramsar listing. There is no additional funding source and there has been no noticeable increase in tourism associated with the Estuary.
- The Estuary is subject to three separate claims under the Treaty of Waitangi. There was initially a concern by iwi that Ramsar listing would affect this process. Once the respective iwi were consulted on the implications of Ramsar listing and advised that Ramsar will not affect customary rights, the process became easier.

5.1.3 Management of Manawatu Estuary Ramsar Site

DOC, HRC and Horowhenua District Council (HDC) comprise the Managing Authority of the Manawatu Estuary. The Managing Authority members participate in regular meetings. HRC takes administrative and management responsibility for the meetings. The meetings are always attended by a Trust representative who acts as a 'watchdog'. Fish and Game and iwi are also invited to attend.

The Ramsar listing has provided a focus for DOC, HRC and HDC to resolve issues.

The management of the Manawatu Estuary is reliant upon all three parties “buying into” the Ramsar listing. The process has been found to work well especially when there are already existing relationships. Co-ordination is critical.

Wider community involvement is very limited but local community is involved through the Manawatu Estuary Group.

It is important to keep elected members informed although the estuary is not particularly high on the political agenda.

5.1.4 Management Plan

There was no monitoring plan or management plan in place for the Estuary prior to Ramsar listing.

DOC and the Trust funded preparation of the first draft of a management plan with the first iterations being prepared by DOC via its Area office. HRC and DOC subsequently drove the management plan process and its subsequent production.

The aim of the management plan was to close information gaps.

5.1.5 Monitoring

Monitoring was identified as being needed from the outset. Some initiatives have started such as plant and weed surveys and animal pest surveys. A native fish survey is yet to be initiated.

Monitoring is undertaken by DOC based on the existing monitoring DOC was undertaking in the Estuary. DOC was able to provide this resource.

5.1.6 Reporting

Reporting has been delegated to DOC following their agreement to take on that responsibility.

5.1.7 Activities Generated

A bird watching activity is being privately promoted. There are also plans to develop a visitor centre.

There have not been any significant tourism-related responses to the listing to date.

5.1.8 Costs for Councils

5.1.8.1 Horizons Regional Council

To date, HRC has provided the following:

- Financial input to advance the management plan.
- Officer time to drive the management plan process.
- Officer time to arrange and attend management meetings (now set at twice per year).
- Officer time to provide monitoring data to DOC for report preparation.
- Physical works including installing bollards to prevent vehicular access to the wetland.
- An animal and plant pest control initiative.

5.1.8.2 Horowhenua District Council

HDC has initiated changes to its Reserves Management Plan to align with the Manawatu Estuary Management Plan.

5.2 Firth of Thames Ramsar Site

5.2.1 Introduction

The Firth of Thames (FOT) site was listed as a Ramsar site in 1990 and is located in a coastal environment.

Staff at Environment Waikato and Franklin District Council were contacted to discuss the effects of Ramsar listing of the FOT wetland site with particular focus on exploring whether Ramsar listing has resulted in any specific changes to statutory processes under the RMA. The points discussed are summarised below.

5.2.2 Environment Waikato

The Environment Waikato Regional Coastal Plan specifically identifies the FOT Ramsar site in the Regional Coastal Plan (RCP) as part of the wider Firth of Thames to Tararu Area of Significant Conservation Value (ASCV9). The RCP was made operative in 2004.

Following discussions with Environment Waikato staff (resource management policy and processing based), we make the following observations:

- The RCP specifically refers to the FOT area as being a Ramsar site;
- The FOT Ramsar site is identified as part of a wider Area of Significant Conservation Value (ASCV9);
- There have been no plan changes approved or sought to date related to FOT;
- Generic rules provide for permitted activities in ASCV9 (inclusive of FOT Ramsar site), as well as other parts of the region;
- The RCP provides specific rules covering the FOT Ramsar site, including prohibited activities;
- The principal reason for the prohibited activity status is that the site is a Ramsar site; i.e. acknowledged as a wetland of international importance. However there are also other reasons why the area is protected – site of cultural significance; unique and globally rare landform (Chenier plains).
- A significant area of land immediately adjoining the coast is held in public ownership;
- There have been very few regional resource consent applications for activities within the FOT Ramsar site;
- There would be no additional assessment of environmental effects required specifically as a result of Ramsar listing. These would be required because of the values of the environment, regardless of Ramsar listing;
- Public notification would be required if the environmental effects are more than minor, regardless of Ramsar listing;
- Ramsar status is one of many issues to assess within ASCV9;
- Weighting given to ecological values may increase due to FOT being of international importance, although this has not been tested.

We note that the RCP has been developed in the full knowledge that the FOT has Ramsar status (the development of the RCP coming some years after Ramsar listing was achieved). Accordingly, it can be expected that the provisions that have been developed recognise and provide for maintenance of the status of the FOT as a wetland of international significance.

Further, we note that Ramsar listing is identified as the *principal* (but not the sole) reason for making certain activities a prohibited activity in the FOT.

5.2.3 Franklin District Council

The Franklin District Plan (FDP) was made operative in 2000. The FDP specifically recognises the FOT Ramsar site in Part 5.

Following discussions with Franklin District Council staff (resource management policy and processing based), we make the following observations:

- The Ramsar site is located adjacent to, rather than within, FDC jurisdiction.
- The FOT Ramsar site is given specific recognition as an outstanding natural feature in the Operative Plan, as are other natural features within /adjacent to the district.
- Plan Change 14 to the district plan has subsequently been initiated by FDC to re-zone rural zoned land to coastal zoning. The Change is still subject to appeal and is therefore not yet operative.
- Plan Change 14 addresses generic issues of inappropriate zoning of coastal environments (e.g. the inappropriate/ inadequate application of rural based policies, objectives and rules in coastal zones).
- An outcome sought by Plan Change 14 is to *“better define the diverse environments within the district so that their character could be taken into account for consent decisions”*.
- Ramsar listing was not the reason Plan Change 14 was initiated. However, specific recognition is given in the Plan Change to the fact that the FOT site is given Ramsar status. We note the inclusion of an objective and policy specifically seeking to protect the Ramsar site.
- Seabird Coast Objective 17.2.9.3.1 seeks to *“preserve the Kaiaua-Miranda lowlands (including part RAMSAR site bird sanctuary), especially the Chenier Plain and Whakatiwai Gravels and protect them from inappropriate subdivision, use or development”*. Seabird Coast Policy 17.2.9.4.6 seeks to *“protect the RAMSAR site, Miranda Chenier Plain and Whakatiwai Gravels as Special Character Areas on the Plan maps”*.
- One of the Anticipated Environmental Results is the *“protection of the internationally recognised RAMSAR site and the Miranda Chenier Plains in perpetuity”*.
- No resource consents are required from FDC for activities in the FOT as the FOT is outside FDC’s jurisdiction. However resource consents may be required for activities in the adjoining land areas.
- The FOT Ramsar site is not specifically identified in the proposed rules of Plan Change 14.
- However, a resource consent is required for activities that would modify, damage, disturb or destroy any area or item identified as an outstanding natural feature. The district plan identifies a number of land use relates adverse effects which could potentially affect the FOT site:
 - Loss of vegetated coastal edge through vegetation clearance and fragmentation;
 - Changes in freshwater drainage patterns;
 - Deposition or siltation;

- Shell extraction; and,
 - Disturbances - general public access, motorbikes, dogs, large structures.
- The landward component of the Ramsar site is controlled through activity lists, development setbacks and assessment criteria for resource consents.
- Ramsar listing itself is not a trigger for the need for resource consent under Plan Change 14 (however, any activity that may result the modification, damage, disturbance or destruction of the FOT Ramsar site does require resource consent).

6 Implications of Ohiwa Harbour Ramsar Listing on Processes and Parties

Based on the information presented in the previous sections of this report and the outcomes of the consultation meetings during August 2008 (summarised in Section 4), this section presents a discussion of the key matters that may influence a decision on whether to pursue nomination.

Each sub-section identifies the issue, followed by a discussion and our assessment of the implications for the respective Ohiwa Harbour stakeholders.

6.1 Governance

6.1.1 Issue

Governance was an issue raised during the public consultation undertaken by EBOP on the nomination of Ohiwa Harbour Ramsar as a Wetland of International Importance and in the consultation meetings during the preparation of this report. There was concern that Ramsar listing would lead to international control and thus a loss of local control as well as public money being required to set up new Committees to administer a Ramsar listed site.

6.1.2 Discussion

Article 2.3 of the Ramsar Convention states that the *'inclusion of a wetland in the List does not prejudice the exclusive rights of the Contracting Party (New Zealand government) in whose territory the wetland is situated'*. In other words, the status quo, in respect of the existing relevant legislation (such as the RMA, the Treaty of Waitangi, and the Reserves Act) would be retained.

In addition, integrated management of the harbour under the Ohiwa Harbour Strategy would also be retained. In this regard we note that the Strategy has been prepared through a partnership approach – it is not purely an EBOP strategy. The partnership approach includes both statutory and non statutory organisations. Tangata whenua and local communities can retain an active management role.

While it could be expected that DOC may take a more active interest due to reporting responsibilities, there is no apparent need for any other external national agency involvement in respect of the management of Ohiwa Harbour.

There would be no external international government / agency involvement or control in respect of the management of Ohiwa Harbour.

Furthermore, there is no requirement to add controls or constraints within the New Zealand regulatory system (i.e. national, regional or district).

We understand that a forum will be set up to oversee the implementation of the various actions in the existing Harbour Strategy. We understand this will be set up regardless of Ramsar listing.

The expectation for regional and district councils to become involved in the Ramsar process does not appear to be a direct requirement of the Ramsar Convention. However, because of New Zealand's sustainable management legislation and the duties bestowed

upon local and regional authorities in respect of sustainably managing uses and activities, local and regional councils are integral to the sustainable management of wetlands.

The involvement of other parties can be considered to be appropriate in governance relating to sustainable management of Ohiwa Harbour and its catchment. In particular, the draft *Providing for Kaitiakitanga in Ohiwa Harbour* Iwi planning document (2005) has been prepared by tangata whenua. In this context, regional councils and territorial authorities are required, when preparing or reviewing statutory plans under the RMA, to “take into account any relevant planning document recognised by an iwi authority” under the provisions of sections 61(2A), 66(2A), and 74(2A) of the RMA.

Governance Implication Summary

EBOP:	No implications
District Councils:	No implications
Iwi:	No implications
Community:	No implications

6.2 Existing Statutory Protection

6.2.1 Issue

A number of issues were raised in respect of the existing statutory protection afforded to Ohiwa Harbour during the stakeholder consultation meetings. In particular, comment was made that Ohiwa Harbour is currently afforded adequate protection under the RMA and that there was therefore no need to increase this. Further, concern was expressed that there is the potential for third parties to seek increased protection through initiating private plan changes to bolster the existing statutory protection.

6.2.2 Discussion

The Ramsar Convention is non regulatory.

Accordingly, the process of preparing and complying with regional policy statements, regional plans, district plans, other relevant plans under the RMA such as iwi management plans, as well as those prepared for land under the management control of DOC, would remain the governing policy and regulatory mechanism for Ohiwa Harbour. The existing statutory plans identifying areas of significance within the wetland would remain applicable and retain their status.

The statutory plans would continue to provide the benchmark for sustainable development within the Harbour, in line with the ‘wise use’ concept of the Ramsar Convention. We anticipate that no changes in statutory provisions would be required to meet Ramsar obligations. We believe the RMA, which provides for sustainable management, accords with the ‘wise use’ concept embodied in the Ramsar Convention.

As noted above in Section 6.1, the applicability of existing relevant legislation such as the RMA, the Treaty of Waitangi, the Reserves Act and Conservation Act, would be retained. The retention of the role of this legislation extends to all statutory plans regulating Ohiwa Harbour (both regional and district). The existing extensive statutory protection, as listed in Appendix A of this report, was raised by some stakeholders during the meetings following the release of the interim report. As noted above, attendees questioned the need to list Ohiwa Harbour as a wetland of international significance when there is what they

considered to be sufficient protection afforded to the Harbour regardless of Ramsar listing. Stakeholders commented that Ramsar status is a hollow tool.

We agree with the views expressed by the stakeholders to the extent that Ramsar listing per se would add no direct greater degree of protection to Ohiwa Harbour. We agree that Ramsar can be viewed as a 'hollow' tool in this sense. We note that there are many other significant wetlands in New Zealand that do not have Ramsar status, and that are being effectively managed through existing processes.

Whilst there would be no additional protection afforded to Ohiwa Harbour purely by virtue of its Ramsar listing, we cannot overlook the potential for third parties (for example, conservation groups or users of Ohiwa Harbour) to seek a private plan change to bolster the protection currently afforded to Ohiwa Harbour. This could arise through applications for changes to the existing regional and district plan provisions currently managing Ohiwa Harbour. This was a particular concern expressed by adjacent landowners and developers at the consultation meetings (see Section 4).

A plan change application could seek to increase the restriction on activities within the Ohiwa Harbour to recognise its international importance. For example, we note the emission of noise above permitted activity standards is currently a discretionary activity under the Regional Coastal Environment Plan specifically within Ohiwa Harbour (Rule 91). A plan change could seek to further restrict noise emissions in Ohiwa Harbour by elevating the activity status of noise generating activities (beyond permitted activity standards) to a non-complying, as opposed to a discretionary, activity as a means of reducing potential disturbance to birdlife. As an alternative, a private plan change could be sought to set a lower threshold for permitted activity noise emission standards within Ohiwa Harbour, thus requiring a greater range of activities to go through a resource consent process.

If this potential were realised, we would anticipate any such plan change to be privately instigated and with the respective councils determining the change as part of their normal duties.

It should be noted that the initiation of a private plan change is a costly exercise and is therefore potentially restricted to those organisations / individuals (or groups of) with adequate financial resource. We believe that for a private plan change to be initiated, there would need to be a perceived threat to the habitat (i.e. not currently afforded protection).

While we flag private plan change as a potential outcome of Ramsar listing, we are not in a position to judge the likelihood of a third party such as an environmental interest group, DOC, or indeed a council initiating such a process.

Despite this however, to test the scenario as to whether it could be expected that Ramsar listing of Ohiwa Harbour may generate more restrictive provisions being set in EBOP's RCEP, we have identified the prohibited activities in the Environment Waikato RCP for the FOT (prepared **after** the FOT was listed as a Ramsar site), and compared them with EBOP's current (prohibited) provisions. A summary of these respective provisions as they specifically apply to the existing and potential Ramsar sites is provided in Table 1 below. We have attempted to align the activities in Table 1 for ease of reference.

Table 1: Prohibited Activity Status Comparison

Environment Waikato Regional Coastal Plan		Environment Bay of Plenty Regional Coastal Plan			
Rule 16.2.7	Introduction of exotic plants	Rule 82*	Introduction of exotic plant species		
		Rule 83	Eradication of spartina		
		Rule 84	Eradication or control of spartina by mechanical harvesting		
Rule 16.2.8	Introduction of plant pests				
Rule 16.2.9	Livestock in sensitive areas	Rule 58	Grazing of stock		
Rule 16.3.10	Discharge of untreated sewage	Rule 3	Untreated human sewage discharges		
Rule 16.3.11	Untreated human sewage discharges				
Rule 16.4.13	Structures impounding or containing the coastal marine area	Rule 24	Erection of structures		
		Rule 34*	New structures		
				Rule 16.4.15	Structures parallel to mean high water springs
				Rule 16.4.17	Structures oblique or perpendicular to mean high water springs
				Rule 16.4.19	Structures used in petroleum and chemical industry
				Rule 16.5.7	Marine farm structures
Rule 16.6.21	Reclamations	Rule 75	Reclamations for disposal of dredged material; extensions for farmland, playing fields, urban and industrial areas except ports or other marine facilities; car parks; rubbish disposal		
Rule 16.6.22	Materials used for reclamation/ declamation	Rule 78*	Reclamations		
Rule 16.6.19	Deposition of hazardous substances	Rule 87	Deposition or incineration of hazardous substances		
Rule 16.6.14	Disturbance/ deposition to foreshore or seabed	Rule 51	Deposition / disturbance of foreshore / seabed for the erection, reconstruction, alteration, extension, demolition or removal of structures		
Rule 16.8.2	Exclusive occupation				
Rule 16.4.7	Mooring outside of mooring zone				
Rule 16.6.6	Military training				
		Rule 44*	Construction of open drains, removal of sand, shell, shingle and minerals, dredging and spoil disposal.		
		Rule 47	Disposal of spoil from land based activity (excl diversion, reclamation and beach replenishment).		
		Rule 63	Mining of sand, shell and shingle		

*Applies specifically to the Coastal Habitat Protection Zone within Environment Bay of Plenty coastal marine area

This comparison shows that there is generally broad agreement between the two regional coastal plans on what activities should be prohibited in the two respective **regionally** significant estuaries. However, we note that for the Ohiwa Harbour, some activities such as new structures and reclamations are only currently prohibited in part of the Harbour (the Coastal Habitat Protection Zone). In addition, the activities of exclusive occupation, some mooring, and military training, are not prohibited from Ohiwa Harbour.

Following the review of the FOT Ramsar site and EBOP's RCEP, it does not appear likely that any plan changes would need to be instigated by EBOP to further restrict development or lower permitted activity thresholds. Furthermore, it would appear unlikely that a private plan change would be immediately initiated due to the fact that the ecological values of Ohiwa Harbour are already recognised and afforded protection.

However, despite the financial implications and the existing protection afforded to Ohiwa Harbour, there will always remain the potential for private plan changes to be lodged with either regional or district councils to seek more restrictive provisions and lower permitted activity thresholds. We would consider the initiation of a private plan change unlikely for the reasons outlined above. This assumption appears to be validated through the lack of plan changes initiated at the FOT Ramsar site seeking more restrictive provisions. However, it is impossible to guarantee that a plan change would not be initiated by a third party.

In the event of a private plan change being lodged, officer time would be required to process any such private plan change application. However, councils have the means to recover the costs of processing the application from the applicant.

The determination of a private plan change would be in accordance with the principles and procedures of the RMA; i.e. sustainable management. Although not necessarily likely to be initiated and approved, it is important to note that any successful plan change seeking greater restrictions on development within and or adjacent to the Ohiwa Harbour would have a "knock-on" effect on the resource consent process.

<i>Statutory Provision Implication Summary</i>	
EBOP:	No need to initiate a plan change but some implications (to assess any private plan change applications)
District Councils:	No need to initiate a plan change but some implications (to assess any private plan change applications)
Iwi:	Very few direct implications (lodgement of submissions during the notification process)
Community:	Very few direct implications (lodgement of submissions during the notification process)

6.3 Resource Consents

6.3.1 Issue

The impact of a successful Ramsar nomination on both the need for resource consents and the resource consent determination process was raised as an issue of concern during the meeting held with landowners, farmers, developers, business owners and recreational groups. Of particular concern was the need for additional and costly technical reports to support resource consent applications.

6.3.2 Discussion

The RMA provides for sustainable management which is enacted through rules which seek to avoid, remedy or mitigate adverse effects. It should be noted that under s 104(c) of the RMA when considering an application for resource consent, the consent authority must have regard to any other matters it considers is relevant. This could include Ramsar listing. We also note that the content of Iwi Management Plans and consultation with iwi are also considered under this provision.

Section 3.2 summarises the main requirements under the existing regional and district plans and the existing controls on activities (or more specifically, the effects of those activities) in the Ohiwa Harbour area.

From our brief overview, the provisions contained in the statutory plans which manage development within and adjacent to the Ohiwa Harbour (e.g. the RCEP) appear to adequately accord with the 'wise use' concept to secure the sustainable management of that resource. The Ohiwa Harbour is specifically identified in all the plans and in the RCEP has management overlays (the Coastal Habitat Preservation Zone and the Coastal Management Zone). The Plan goes as far as prohibiting some activities in the Ohiwa Harbour.

As noted in Sections 6.1 and 6.2 there is no specific requirement to modify the existing regional and district plans in the event that the Ohiwa Harbour attains Ramsar listing. Nonetheless, a plan change, as discussed above in Section 6.2 could seek to change the activity status of activities and uses following Ramsar listing. Whilst we anticipate the consent issues would remain the same, a successful plan change application may have implications in respect of the number of applications received by a council (because of more restrictive provisions) and processing times due to the added complexity in processing (e.g. affected parties, requirement for public notification).

We consider there is some potential for applications for resource consents to potentially become more complex and controversial through submitters using the Ramsar listing as grounds on which to seek restrictions on uses. This was a particular concern relayed at the consultation meetings. While the status of Ohiwa Harbour under the various statutory plans may not necessarily be changed by listing, there may be additional costs due to an apparent increase in the complexity of applications. However, to keep this in perspective, it is reiterated that during our research, we have not found any examples of this. However, this complexity and controversy is identified as a potential issue. In most cases however those costs could be borne by the applicant, rather than the consent authority, although there could be additional demand on staff time potentially raising resourcing issues.

Resource Consent Implication Summary

EBOP:	Some implications (possible additional resource consent processing time)
District Councils:	Some implications (possible additional resource consent processing time)
Iwi:	Few implications (consultation time)
Community:	Few implications (resource consent applications)

6.4 Effect on Cultural Practices and Kaitiaki

6.4.1 Issue

We note that the use of Ohiwa Harbour and catchment for cultural purposes was an issue raised during earlier consultation undertaken by EBOP on the potential nomination of the Harbour as a Wetland of International Importance. Iwi representatives were concerned that Ramsar listing may restrict traditional cultural activities and kaitiaki.

6.4.2 Discussion

As noted in Section 6.1, Ramsar listing has no effect on existing governance of an area. Accordingly, New Zealand's statutes remain the governing legislation, including but not restricted to the RMA, Treaty of Waitangi, and associated settlements.

The requirements and provisions in those statutes for consideration of cultural issues will remain, and customary rights will not be affected. The status given, for example, to iwi management plans, will not change as a result of Ramsar listing. Further, the roles of iwi/hapu in the development of policy for regional and district planning documents will not change by virtue of Ramsar listing, nor in the development of iwi management plans.

There is potential for iwi/hapu to have a role in any management authority set up for a Ramsar site, thus providing another avenue for kaitiaki.

Cultural Practices / Kaitiaki Implication Summary

Iwi:	No negative implications; potential for increased kaitiaki role
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6.5 Use of Harbour Resource

6.5.1 Issue

We note that potential restrictions on the use of the Harbour was an issue raised during the earlier consultation undertaken by EBOP on the potential nomination of Ohiwa Harbour as a Wetland of International Importance. Submitters requested that the ability to use the Harbour should be retained. This issue was also raised during the consultation meetings undertaken as part of the current project.

6.5.2 Discussion

Use of the Harbour does not **need** to be restricted in order to meet Ramsar Convention obligations. Ramsar obligations do not set any specific standards or appear to give the means to restrict development potential to any greater extent than the RMA or other statutory instruments currently do. Development and use proposals are already subject to sustainable management tests which are akin to the wise use concept.

Inherent in this assumption however is that the decisions taken under the RMA are appropriate to ensure that the objectives and policies set for the Harbour (including those under the Strategy) are met. Monitoring will indicate whether this is in fact achieved.

To use an example, we would envisage that the Indicative Ski Area and Mooring Zones as identified in the RCEP would be able to be retained if the site were Ramsar listed. This is on the assumption that these zones have been identified through sustainable management assessments, and would be monitored regardless of whether the Harbour is Ramsar

listed. In other words, these activities should accord with the 'wise use' concept of the Ramsar Convention.

Again, however, we note that whilst not necessarily a high likelihood, a private plan change application could be brought which could impact upon the use of the Harbour. For example, a plan change could seek that lower permitted activity thresholds be instigated or that further specific activities within the Harbour become a prohibited activity. This could restrict certain uses within the Harbour.

<i>Use of Harbour Resource Implication Summary</i>	
EBOP:	No direct implications
District Councils:	No direct implications
Iwi:	No direct implications
Community:	No direct implications

6.6 Management Authority

6.6.1 Issue

Management of Ohiwa Harbour was an issue raised during the stakeholder consultation meetings. Specifically, concern was expressed as to how the management requirements under Ramsar would sit with existing management structures and roles, and whether they would over-ride and/or duplicate those.

In particular, Iwi identified a keen interest to be involved in the management set up.

6.6.2 Discussion

We believe that a Management Authority would correlate well with the system currently in place for the Ohiwa Harbour Strategy.

Similar to the system set up for the Manawatu Estuary, we would anticipate that the Managing Authority for Ohiwa Harbour as a Ramsar site could be a committee. Subject to individual organisations' interests and support, parties could include EBOP, DOC, the two district councils (Opotiki and Whakatane), and Iwi. We would envisage that any meetings of the Managing Authority could be effectively integrated with existing initiatives related to the Strategy, and that little additional resourcing would be required – rather a slight refocusing. In this context, the implementation strategy being formed to manage Ohiwa Harbour could essentially become the Ramsar Management Authority. We understand that an officer co-ordination party has already been set up.

Other parties could also be invited to the meetings. The decision on whether to become a member of, or participate in, the Management Authority would lie with each organisation.

<i>Management Authority Implication Summary</i>	
EBOP:	Few implications
District Councils:	Few implications
Iwi:	Few implications
Community:	No implications

6.7 Management Plan

6.7.1 Issue

Obligations under the Ramsar Convention include the need for a management plan to be put in place for a listed site. We have addressed how this requirement sits with existing management plans, and whether it would over-ride and/or duplicate these.

6.7.2 Discussion

We consider the Ohiwa Harbour Management Strategy could meet the management plan requirements under Ramsar obligations. In order to assess the adequacy of the Strategy under Ramsar guidelines (as identified in Section 2.5) we have compared the five main sections with the current content of the Strategy below:

Ramsar Management Plan Guidelines	Ohiwa Harbour Strategy	Compatibility
Preamble / Policy	Chapter 1: Introduction provides an overview of stakeholders but has limited acknowledgement of supranational or national concern. Chapter 3 identifies national roles of the Department of Conservation and the Ministry of Fisheries whilst Chapter 5 acknowledges some statutory statements and regional plans. As the site is not Ramsar listed, there is understandably no reference to the Ramsar Convention in the Strategy.	Good
Description	Chapter 2: Setting the Scene identifies existing features of Ohiwa Harbour which make the environment special. Understandably, there is no emphasis on those features which make the Harbour worthy of Ramsar status (i.e. correlating with the criteria met to become Ramsar listed). There is a need to regularly review the features to incorporate new sources of information and data.	Good
Evaluation	There appears to be no evaluation of Ohiwa Harbour features within the Strategy (although this data may be available for inclusion and could include an evaluation against the Ramsar criteria as a starting point). This is effectively the evidence to create the objectives / rationale / plan of action.	Limited evaluation
Objectives	Chapter 5: Policies for the Harbour contains an overall objective to maintain and enhance the health and natural qualities of the Harbour. Chapters 6-13 contain themes that group issues raised by the community.	Good
Action Plan	Chapters 6 -13 provide a plan of action for Harbour management.	Good

In comparing the adequacy of the Strategy against the Ramsar Convention guidelines for management planning at Ramsar sites, it is important to note that the Guidelines are only recommendations. In this context, we anticipate that as a baseline, the Strategy will provide a satisfactory management plan to fulfil Ramsar obligations. However, we note that the Strategy as currently drafted will require recognition of any future Ramsar listing and regular review after a successful nomination in respect of features and new sources of information. We also note that there appears to be a lack of evaluation within the Strategy in term of the qualities of the Harbour features. We would expect that this additional

information and 'gap filling' could be provided during a future review of the Strategy which would occur regardless of Ramsar listing. This would include assessment and review of State of The Environment monitoring.

We also understand that regional Conservation Management Strategies, prepared by DOC, are being used as management plans to fulfil Ramsar management plan obligations for other regions in New Zealand. There would therefore be a need to ensure that the Ohiwa Harbour Strategy and the Bay of Plenty Conservation Management Strategy (as well as any relevant Reserve Management Plans that may be produced in future) are compatible.

<i>Management Plan Implication Summary</i>	
EBOP:	Implications for officer time to update the Ohiwa Harbour Strategy in consultation with other parties/meeting attendance. However, little additional input required beyond the currently envisaged reviews
District Councils:	Some input for officer time to contribute to updating the Ohiwa Harbour Strategy in consultation with other parties/meeting attendance
Iwi:	Some input to contribute to updating the Ohiwa Harbour Strategy and associated consultation/meeting attendance
Community:	No implications

6.8 Monitoring

6.8.1 Issue

During the stakeholder consultation meetings, it was noted that a vast number of monitoring initiatives were currently undertaken by councils, iwi and community groups. However, we note that there is no single programme or document coordinating this monitoring.

Again we note there is a need to assess what is undertaken and whether Ramsar requirement would over-ride and/or duplicate these.

6.8.2 Discussion

While we have not assessed the ecological values of the Ohiwa Harbour and therefore the adequacy of existing monitoring programmes, we expect that the monitoring undertaken under the Ohiwa Harbour Strategy and other monitoring initiatives undertaken by EBOP (eg State of the Environment Monitoring) will provide adequate monitoring data to meet the general Ramsar Convention monitoring obligations.

However, it would appear beneficial that a specific integrated monitoring plan be developed as a management tool for Ramsar purposes to make the process of monitoring and reporting more efficient. We anticipate there being no additional costs associated with the actual monitoring programmes as a direct result of Ramsar requirements. However, officer time spent on the on-going coordination of monitoring information would be anticipated.

We are also aware that some New Zealand Ramsar listed wetlands rely on DOC regional Conservation Management Strategies for their monitoring information. Ohiwa Harbour is identified in the Bay of Plenty Conservation Management Strategy.

<i>Monitoring Implication Summary</i>	
EBOP:	Implications for officer time to prepare a specific integrated monitoring plan for the Harbour, as well as providing monitoring information to the reporting organisation
District Councils:	Potential implications for officer time as per the EBOP implications
Iwi:	Potential implications for time as per the EBOP implications, if specific iwi monitoring is undertaken
Community:	No implications

6.9 Reporting

6.9.1 Issue

It was noted during the meeting with district councils and DoC that reporting will require co-ordination. It was suggested that DoC may be able to fulfil this role.

6.9.2 Discussion

We understand reporting on Ramsar sites is via a standardised form with a standard set of questions to be answered every three years. DOC has the responsibility of providing this report to Ramsar. However, we understand the base information and preparation of the report itself is expected to be supplied by the Managing Authority controlling the Ramsar site. As the Managing Authority could be expected to incorporate the regional and district councils, iwi, and others, there will be an implication for some, if not all, of the Management Authority parties.

For the Manawatu Estuary, preparation of the report itself is undertaken by DOC (at a local level). DOC may be able to be encouraged to volunteer to take on this task for the Ohiwa Harbour.

As identified above, we would expect (as a management tool for Ramsar purposes) that a specific Ohiwa Harbour monitoring plan be developed and formalised to make it more efficient to meet the reporting requirements.

<i>Reporting Implication Summary</i>	
EBOP:	Implications for officer time to prepare reporting information
District Councils:	Potential implications for officer time as per the EBOP implications
Iwi:	Potential implications for time reporting to EBOP
Community:	No implications

6.10 Non-Compliance with Ramsar Obligations

6.10.1 Issue

The implications of non-compliance with Ramsar obligations have been summarised in Section 2.8. Non-compliance was not raised as a particular area of concern by the identified stakeholders although this is to be expected following discussions about the non-regulatory function of Ramsar listing.

6.10.2 Discussion

The potential effects of non-compliance with Ramsar obligations are likely to be more specifically felt at a central government level. However there are potentially some implications for EBOP and the District Councils if there is non-compliance. Some pressure could be expected to be brought to bear on the councils (presumably by DOC) if the requirements of the listing were significantly overlooked and monitoring indicated adverse effects on the values of the Harbour.

However there appear to be few, if any, direct ramifications for a Ramsar site not meeting the commitments of Ramsar; eg. as there is no funding provided, there are no potential effects arising from withdrawal of funding. However, we note that a particular Ramsar site is transferred to the Montreux Record if the ecological qualities of a particular Ramsar site are adversely affected. In addition we would expect there to be associated negative attention from the public and media.

The possibility exists that the Ohiwa Harbour could potentially attract funding from various sources within NZ, and that such applications could be viewed more favourably if the Harbour is Ramsar listed. Those funding sources could need to be renegotiated if the Harbour were relegated to the Montreux Record. Conversely however, funding could be forthcoming to assist in mitigating those adverse effects that had caused the relegation.

Non Compliance Implication Summary

EBOP:	No implications
District Councils:	No implications
Iwi:	No implications
Community:	No implications

7 Economic Effects

7.1 Introduction

The economic implications of Ramsar listing was a particular concern raised during the consultation meeting with local landowners, farmers, developers, business owners and recreational users following the release of the interim report. Our scope of work was therefore expanded to identify some of the potential economic effects of Ramsar listing. This assessment was limited to qualitative comments, and did not attempt to quantify the effects.

7.2 Effects on Property Values

In response to concerns raised on the potential implications on property values, a number of telephone based interviews were conducted with real estate agents in the Firth of Thames (FOT) Ramsar site region. The interviews were conducted with experienced staff from the following real estate companies: L J Hooker, Richardsons and Ray White.

We make the following observations as a result of those discussions:

- None of the three interviewees was aware of the FOT being a wetland site of international importance;
- None of the three interviewees was aware of what a Ramsar site is;
- There is no discernible difference in the values of properties on the Miranda / Thames FOT coastline and other coastline properties within the area;
- Properties on the coast generally attract a higher sale price than other properties;
- There is however, a discernible difference in east coast and Thames coast property values;
- Thames coastline properties generally attract a certain type of person – nature lovers/bush walkers etc;
- Property values on the FOT coast have decreased, in line with current nationwide economic trends;
- An international certification could potentially increase property values;
- An international certification would not decrease property values.

We consider that any influence on property values is more likely to come from the inherent location of land adjacent to a coastal area, rather than recognition of a specific value (e.g. an international wetland). It could be expected that some increased degree of interest in land adjacent to the Ohiwa Harbour may occur from people with specific interest in ecological and wetland values. Certainly, we would not expect any decrease in property values as a result of Ramsar listing.

Further, as we note in previous sections, we do not consider that there is any need to amend RMA planning documents to specifically recognise Ramsar listing, or to enable a higher level of protection. We do not see that Ramsar listing itself would lead to restrictions on land development potential and therefore adversely affect property values.

7.3 Potential Restrictions on Land Use

The 'hinterland effect' was raised as a matter of concern during the meeting with adjacent landowners (et al) following the release of the interim report. The effects of Ramsar listing

on the ability of landowners/farmers to undertake works on their land, such as clearance of culverts, earthworks and other infrastructure maintenance, were specifically mentioned.

As outlined in previous sections, the existing statutory plans can remain applicable and retain their status. Therefore, subject to the discussion in Sections 6.2 and 6.3, both the statutory and non-statutory Ohiwa Harbour management regimes currently in place would not change as a direct result of listing.

Therefore, we consider that there should be no additional 'hinterland effect' as a direct result of Ramsar listing over and above that already experienced.

7.4 Costs to EBOP Ratepayers

The potential additional cost to ratepayers was highlighted as a matter of concern by several parties during the consultation meetings following the release of the interim report.

There is no specific international or national funding base provided with Ramsar listing. Input provided by DOC can be expected to be funded by central government. However, on the assumption that the regional and district councils supported the nomination and took an active role in the management of the site, funding to support the monitoring / management related work would be required to be sourced from existing regional and district resources.

As noted in previous sections, we anticipate managing and monitoring the listing of Ohiwa Harbour as a Ramsar Site could require the following (estimated) input from EBOP (assuming EBOP take the lead role):

- Setting up of Management Authority. Liaison with DOC, Whakatane and Opotiki District Councils, and iwi to gauge interest. Initial and one off input required: say 5 person days.
- Preparation for, attendance at, and reporting of (say) two meetings per year of Management Authority. Ongoing input required: say 10 person days per year (assuming involvement of two staff).
- Preparation of a co-ordinated Monitoring Plan (minor amendments to the Ohiwa Harbour Strategy). Initial input required: say 3 person days. Review: say 3 person days every 3 years.
- Initial review of Ohiwa Harbour Strategy. Initial and one off input required (in addition to meetings identified above): say 5 person days.
- Five yearly review of Ohiwa Harbour Strategy. Input required: say 5 person days.

As identified above, we anticipate that subsequent reviews of the Strategy and Monitoring Plan may be necessary at intervals of perhaps five years. We would anticipate that these reviews would take place regardless of Ramsar listing, and little, if any, additional input would be required. We note that we have not reviewed the current monitoring programme for the Harbour in any detail to be able to determine whether there would be any need to specifically amend the monitoring actions. Some additional resources may be required if the scope and frequency of the monitoring were increased.

We also note that meetings of the stakeholders in the Ohiwa Harbour Strategy are likely to occur perhaps on an annual basis regardless of Ramsar listing.

Accordingly, the additional financial cost of becoming a Ramsar site appears to be small. This is largely due to the fact that the management and monitoring systems already in place for the Ohiwa Harbour appear to be well aligned with Ramsar requirements.

7.5 District Ratepayer Base

The effect on the ability to increase the number of ratepayers in a district (and therefore the ratepayer base) was identified as a matter of concern in the stakeholders meeting following the release of the interim report.

As outlined in previous sections, subject to the discussion in Sections 6.2 and 6.3 of this report, the existing statutory plans can remain applicable and retain their existing status in terms of allowing or limiting further development.

The current statutory plans would therefore continue to provide the benchmark for sustainable development within the Harbour, in line with the RMA and the 'wise use' concept of the Ramsar Convention. Therefore, subject to any future plan changes that may affect development rights, the potential ratepayer base would remain unaffected by Ramsar listing.

7.6 Summary

<i>Economic Implication Summary</i>	
EBOP:	Minimal implications
District Councils:	Minimal implications
Iwi:	No direct implications
Community:	No direct implications

8 Benefits of Ramsar listing

This section specifically identifies some of the potential benefits of listing the Ohiwa Harbour as a Wetland of International Importance.

8.1 Status

Listing the Ohiwa Harbour as a Ramsar site – a Wetland of International Importance – would attach a certain status to the Harbour, over and above that currently afforded to it. Becoming internationally significant would potentially invoke a sense of local pride in the Ohiwa Harbour as well as a reward to those parties involved in managing and protecting the resource.

The listing of Ohiwa Harbour as a Ramsar site would also assist the New Zealand Government in meeting its obligations under the Ramsar Convention. Again, this would potentially invoke a sense of national and local pride in contributing to the country's obligations.

8.2 Greater Co-operation/Management

The Ohiwa Harbour Strategy provides a substantial framework for co-operation between a range of parties in managing the Ohiwa Harbour. Becoming a Ramsar site would potentially enhance the co-operation within this management framework.

For example, the obligation to provide regular monitoring information (reported by DOC but provided through EBOP and other stakeholders) would be likely to engender a focused approach to monitoring. This would enhance the co-operation of all currently separate monitoring parties which may include DOC, EBOP, district councils, local iwi and community groups. The co-ordination of monitoring would likely result in greater interaction between parties and foster better working relationships to manage the Ohiwa Harbour.

In addition, the recognition of the Ohiwa Harbour on an international stage could attract a greater level of attention by government agencies.

8.3 Eco-tourism

Eco-tourism or nature-based tourism occurs in a natural setting and generally involves education and interpretation of the natural environment, and is managed so that it is ecologically sustainable.

Other countries that are Parties to the Ramsar Convention, such as the United Kingdom and Japan, have focused on eco-tourism for Ramsar sites. Tourism has been a focus of the Ramsar Secretariat in recent years (Gardner and Connolly, 2007).

We anticipate that the likely benefits of eco-tourism as a direct result of Ramsar listing of Ohiwa Harbour would not necessarily be significant or sudden. However, we consider that it could potentially assist in the creation of tourism-related developments. Examples of the type of development that we could envisage taking place are a visitor centre (such as the proposed visitor centre in the Manawatu Estuary Ramsar site), bird watching huts, cafes, parking areas etc.

In this regard, we note Opotiki District Council's slogan is "*Opotiki by Nature*" and consider that the opportunity exists for the Council to promote Ramsar status and associated tourism benefits.

8.4 Funding Potential

No direct financial funding would result from Ramsar listing. However, the ability to emphasise a site as being of international importance would potentially assist with raising the profile of funding applications.

Increased funding opportunity as a result of Ramsar listing was identified by Gardner and Connolly (2007) as the number one benefit relating to Ramsar listing. Whilst this study was based in the USA, the principle of increased funding opportunity is relevant to New Zealand's situation. In particular, we note that Ramsar listing would be likely to increase the ability of various community and voluntary organisations to obtain funding for environmental enhancement programmes.

9 Cost and Benefit Assessment

9.1 Introduction

This section provides our assessment of potential costs and benefits of the Ohiwa Harbour becoming a Ramsar site. The potential costs and benefits identified in this section have been derived through:

- background research;
- consultation with stakeholders; and,
- assessment of the implications of the Ohiwa Harbour becoming a Ramsar site.

The costs and benefits as we can identify them based on our study are summarised in bullet point form below. They are potential costs and benefits and the fact that they are listed in this section does not guarantee that they will be realised upon any future Ramsar listing.

We have not attempted to put any weighting on the respective criteria, as they are largely subjective. The weighting applied to each, and therefore the overall conclusion, will differ according to an individual's or organisation's position and role. We also note that there may be other criteria of relevance in an overall assessment that we have not been party to in this study. However we have presented them in a form consistent with our brief to provide an objective consideration of the likely implications, both positive and negative.

9.2 Potential Benefits of Ramsar Listing for Ohiwa Harbour

9.2.1 Status Benefits

- International, national and local recognition as an ecologically significant place
- Recognition on international stage
- Contribution to national obligations under the Ramsar Convention
- Community rewarded for their efforts – a great deal of pride can be associated with Wetlands of International Importance
- Greater awareness in local community of the values of the Harbour
- May serve to heighten awareness of other wetland areas in the region

9.2.2 Cooperation/Management Benefits

- Greater level of attention by Government agencies to harbour and environs
- Better co-ordination by national and local government agencies
- Supports and gives greater awareness to the Ohiwa Harbour Strategy objectives
- Provides impetus for various sectors of the community to pool resources and co-ordinate activities
- Heightens the status of the Ohiwa Harbour Strategy and its stakeholders

9.2.3 Eco-tourism Benefits

- Potential for local communities to promote the area as an eco-tourist destination
- Potential for Opotiki District Council to support its slogan - *Opotiki by Nature* - further by direct reference to Ramsar listing in its promotional material.

9.2.4 Indirect Funding Benefits

- Potential for increased funding opportunities when in competition for public and private funding. The fact that the site is a Wetland of International Importance can be emphasised.

9.2.5 Cultural Benefits

- Enhanced opportunity for kaitiaki:
 - through involvement in the Managing Authority
 - enhanced iwi monitoring programmes
 - enhanced co-operation between iwi/hapu for a common good

9.3 Potential Costs of Ramsar Listing for Ohiwa Harbour

9.3.1 Statutory Costs

- Possible pressure from environmental groups seeking greater statutory restrictions on Ohiwa Harbour development potential / lower permitted activity thresholds
- Possible receipt of private plan change(s) to be assessed by councils – processing costs and consultation costs

9.3.2 Resource Consent Costs

- Possible that more activities will require resource consent (**if** a successful plan change were brought) and associated processing costs
- Potential need for applicants to prepare additional technical reports (e.g. ecological effects on specific aspects of Ohiwa Harbour meeting Ramsar criteria) to show the effects of an activity are no more than minor
- Potential for increased weight to be afforded to environmental effects upon the wetland as a result of becoming internationally significant
- Potential need to notify all resource consent applications for activities that potentially affect the wetland of international significance and associated processing costs

9.3.3 Restrictions on Use of the Ohiwa Harbour

- Potential for resource consents to be required for activities within the harbour following a successful plan change

9.3.4 Administration Costs

- Costs for Managing Authority from successful nomination (combination of all councils and other parties such as iwi)
- Staff time in compiling documentation (Reporting Information Sheet)
- Obligations for monitoring (but activities and costs will be part of current work programmes)
- Increased consultation and coordination meetings with other parties due to increased public profile of Ohiwa Harbour
- Future need to update the management framework, already provided for in Ohiwa Harbour Strategy / Bay of Plenty Conservation Management Strategy

- Requirement for monitoring data to be provided to DOC 3 yearly
- Potential processing of private plan changes
- Potential processing of additional resource consents, potentially more resource consent applications publicly notified
- Potential training for Managing Authority members in wetland research, management and wardening
- Potential representation on a national wetland committee
- Contribution to information provision, field facilities, visitor centres, World Wetland day, signage, brochures, bird watching stations, bollards.

10 Summary and Findings

We summarise our research and findings as follows:

Environmental Framework

1. The concept of 'wise use' underpinning the Ramsar Convention **accords closely** with the RMA's sustainable management principles that determine the current environmental management of the Ohiwa Harbour.
2. The Ohiwa Harbour and its values are **currently given specific recognition** in documents prepared under the RMA (the Regional Coastal Environment Plan, the Whakatane District Plan, and the Opotiki District Plan).
3. The current Ohiwa Harbour Strategy contains a vision for the Harbour and actions to achieve that. It **adequately incorporates integrated resource management principles**, and involves key members of the regional and district communities.
4. The existing statutory documents, the Harbour Strategy, iwi management plans and documents prepared under the Reserves Act and Conservation Act are **likely to deliver the outcomes sought** by the wise use concept of the Ramsar Convention.
5. There appears to be **adequate protection** afforded to the Harbour under the Regional Coastal Environment Plan in terms of meeting the obligations under the Ramsar Convention.
6. Ramsar listing *per se* would add **no direct greater degree of protection** to Ohiwa Harbour.

Governance

7. Existing legislation and governance is **not affected** by Ramsar listing. The status quo remains.
8. Ramsar listing *per se* would afford **no additional environmental protection** over and above what is able to be provided for under existing legislation such as the RMA or Reserves Act.
9. There is **no requirement** for any national or international agency to be involved in management.
10. A Managing Authority would need to be set up. This could involve representatives of the regional council, district councils, DOC and iwi, subject to the individual interest and support of each of those parties. However the existing involvement of parties in the Ohiwa Harbour Strategy appears to provide an adequate forerunner.
11. If EBOP were the nominator of the site for listing, it could be expected that it would take the lead role on the Managing Authority.

Cultural Practices and Kaitiaki

12. The Ramsar Convention **specifically recognises and encourages** the role of 'indigenous peoples' in Ramsar sites.
13. Iwi's roles and customary rights under existing legislation such as the RMA and the Treaty of Waitangi would **not be affected** by Ramsar listing.
14. The existing role and recognition of iwi management planning documents would **not be affected** by Ramsar listing.
15. Involvement of iwi on the Managing Authority would provide another **avenue to exercise kaitiaki**.
16. Iwi are currently involved in the Ohiwa Harbour Strategy – additional resource input to any Managing Authority for a Ramsar site would likely be modest.

Management and Monitoring

17. The existing Ohiwa Harbour Strategy **would meet the management plan requirements** under Ramsar obligations.
18. The various monitoring programmes currently in place are likely to **adequately meet the monitoring requirements** under Ramsar obligations. However these would benefit from being integrated into an overall programme.

Likelihood of Additional Restrictions Being Imposed

19. There is **no requirement** under Ramsar obligations to review or change the current statutory planning documents.
20. The potential for third parties to seek **changes to statutory plans and** greater involvement in **resource consent processes** to increase environmental protection of the Harbour cannot be discounted. This has possible cost implications for councils and applicants.
21. From the two case studies we have examined, there is **no indication** that Ramsar listing has resulted in increased restrictions on landuse, plan changes, or more complex consent processes.

Costs

22. **No international or national funding basis** is provided for Ramsar sites.
23. Our assessment is that the **costs to EBOP** of managing and monitoring the Harbour to fulfil Ramsar obligations over and above those currently involved in meeting RMA requirements, **would be very modest**.

Benefits

24. Ramsar listing would attach a **status** to the Harbour over and above that currently afforded to it.
25. The listing would be an obvious example that Bay of Plenty could demonstrate that it is assisting the Government with its **international obligations**.
26. Ramsar listing would provide an additional framework for, and potentially **enhance the cooperation** between parties involved in, environmental management and monitoring of the Harbour.
27. There is potential for Ramsar listing to provide the Bay of Plenty with the opportunity to **increase its eco-tourism** profile, with potential for additional facilities and resources to be established to promote the Harbour's values and draw it to the attention of a wider population.
28. Ramsar listing would increase the Harbour's profile and potentially engender more favourable consideration of **applications for funding** for environmental enhancement programmes sought by a range of community groups and organisations.

11 Applicability

This report has been prepared for the benefit of Environment Bay of Plenty with respect to the particular brief given to us and it may not be relied upon in other contexts or for any other purpose without our prior review and agreement.

TONKIN & TAYLOR LTD
Environmental and Engineering Consultants

Report prepared by:



Hywel Edwards
Resource Management Consultant



Sally Marx
Project Manager

Authorised for Tonkin & Taylor by:



Ed Breese
Project Co-ordinator

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Appendix A: Summary of Relevant Policies and Plans

National Level

- Resource Management Act 1991;
- New Zealand Coastal Policy Statement 1994;
- Reserves Act 1977;
- Conservation Act 1987;
- Wildlife Act 1953;
- Marine Animals Protection Act 1978; and,
- Department of Conservation General Policy.

Regional Level

- Bay of Plenty Regional Policy Statement;
- Bay of Plenty Regional Coastal Environment Plan
- Bay of Plenty Regional Land Management Plan (to be superseded by the Water and Land Plan);
- Proposed Bay of Plenty Regional Water and Land Plan;
- Bay of Plenty On-site Effluent Treatment Plan;
- Bay of Plenty Regional Air Plan;
- Pest Management Strategy;
- Regional Land Transport Strategy;
- Navigation and Safety Bylaws;
- Bay of Plenty Conservation Management Strategy;
- Ohiwa Harbour Strategy

District Level - Whakatane District Council / Opotiki District Council

- Whakatane District Plan;
- Bylaws;
- Ohope Reserves Management Plan;
- Long Term Council Community Plan;
- Ohiwa Harbour Strategy
- Opotiki District Plan;
- Ohiwa Reserves Management Plan;
- Bylaws;
- Long Term Council Community Plan;
- Ohiwa Harbour Strategy

Estuary Care Groups

- Ohiwa Care Group
- Nukuhou Salt Marsh Group;
- Ohiwa Harbour Strategy

Local Iwi

- Iwi Management Plans;
- Tawharau o Nga Hapu o Whakatane (Whakatohea Resource Management Plan);
- Ngati Awa statutory acknowledgements;
- Ohiwa Harbour Strategy