



Proposed
Coastal
Plan for
Taranaki

**Public
Submissions**

Taranaki Regional Council

Resource Management Act 1991

**Public Submissions for the
Proposed Coastal Plan for Taranaki**

The Proposed Coastal Plan for Taranaki was publicly notified for submissions on 24 February 2018 with deadline for submissions on 17 April 2018. A total of 61 submissions were received. The index on the following page gives the submission number (1 to 61); the name of the person or organization who made the submission and the relevant page numbers on which each submission can be located.

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Your name

Tom P Waite

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Could you gain an advantage in trade competition through this submission?

No

Do you wish to be heard in support of your application?

No

Your submission on the Proposed Plan

Proposed Coastal Plan for Taranaki give the support to the protection of all the named and others, surf-breaks on the Taranaki coastline. from Patea north to Mokau

Your comment on documents incorporated by reference in the Proposed Plan, as detailed in Schedule 9 (comment optional)

I wish to give my total support to the protection, unhindered, of all the Taranaki Coastal Surf-breaks. The area I am concerned about to be kept in a natural state is from Patea north to Mokau. All the Taranaki river mouths and unique reef breaks I oppose any commercial developments of these areas. I also wish to support freedom Camping for the enjoyment of all, in these areas as well.

Document/file 1

Document/file 2

Document/file 3

Document/file 4



Federated Farmers of New Zealand

Submission to the Taranaki Regional Council on the Proposed Coastal Plan for Taranaki

8 March 2018



To: Taranaki Regional Council

Name of submitter: Federated Farmers of New Zealand

Contact person: Lisa Harper
Regional Policy Advisor

Address for service: Federated Farmers Taranaki
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Federated Farmers could not gain an advantage in trade competition through this submission.

Federated Farmers wishes to be heard in support of this submission.

1. INTRODUCTION

We appreciate the opportunity to submit on the proposed Coastal Plan. This submission is representative of member views and their first-hand experiences with farming on the coast. Coastal issues are of importance to us, as many farms border the coast and a number of them extend down to the coastal marine area.

Federated Farmers supports the aspirations of the Council in developing a Plan that has the wellbeing of Taranaki people and communities at its heart. We support the general approach taken with the Plan, with relatively few proposed changes (recognising that the Plan has proved fit-for-purpose during its lifetime and there are few if any new pressures on the coast and/or these are covered by other Plans). We also endorse the effort to make the Plan more streamlined and easier to use.

Overall we consider that the Proposed Coastal Plan takes a practical approach to the management of the coast. While objectives and policies may affect farming, we note that rules are confined to the 'Coastal Marine Area'.

Our main feedback will centre on cross-boundary effects and where any provisions may (perhaps accidentally) pick up farming activities. Federated Farmers does not want to see regulations that intend to restrict inappropriate development inadvertently restrict common or existing farming activities. Where the coastline is rural and the natural character is rural, then farming activities should be considered appropriate.

Where we have not made a specific submission, we seek to retain the provisions as notified.

2. ABOUT FEDERATED FARMERS

Federated Farmers is a not-for-profit primary sector policy and advocacy organisation that represents the majority of farming businesses in New Zealand. Federated Farmers has a long and proud history of representing the interests of New Zealand's farmers.

The Federation aims to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

Section of plan	Support or Oppose	Reason for Submission	Decision Sought
THE PROPOSED PLAN			
General structure of the Plan	Support in part	<p>Federated Farmers is broadly supportive of the planning approach taken within the proposed plan, including the application of rules only to the Coastal Marine Area.</p> <p>The plan is of interest to Federated Farmers due to the number of farms that occupy the coast line. Moveable boundaries from erosion and adverse weather events may mean that farm property titles extend into the coastal marine area. Also, sometimes esplanade reserves will not be continuous, but be interspersed with private land.</p> <p>Farmers need to the ability to continue to carry out normal activities that may involve the coastal marine area, including but not limited to vehicle and machinery access along the coastal marine area.</p>	That normal farming activities that occur in the coastal marine area, where this is adjacent to farms or where the farm boundary extends down into the Coastal Marine Area (CMA), are permitted.
OBJECTIVES			
Objective 1: Integrated management	Support	Integrated management promotes efficiency and effectiveness. This extends to the avoidance of duplication with other plans and policies. The objective also aligns with higher order policy documents e.g. Policy 4 of the New	Adopt the objective as notified.

Section of plan	Support or Oppose	Reason for Submission	Decision Sought
		Zealand Coastal Policy Statement (NZCPS).	
Objective 2: Appropriate use and development	Support	Federated Farmers supports the recognition of use and development as fundamental to the continued sustainability of rural communities. It also aligns with higher order policy documents e.g. Objective 6 of the NZCPS.	Adopt the objective as notified.
Objective 3: Reverse sensitivity	Support	Existing businesses and infrastructure on the coast are a vital component of the region's social and economic fabric. These should be protected from tensions arising from new, incompatible activities.	Adopt the objective as notified.
Objective 12: Public use and enjoyment	Oppose in part	We support in principle the maintenance and enhancement of public access to the Coastal Marine Area (noting that the objective uses the broader term 'coastal environment'), but have concerns over unrestricted public access, particularly over private land. We submit that it is more appropriate for the term Coastal Marine Area, the area traditionally reserved for public use, to be referenced here, at least in relation to public access. See submission points for Policy 17 for further detail.	Amend the objective as below or similar: <i>People's use and enjoyment of the coastal environment, including amenity values, traditional practices and public access to and within the coastal environment <u>marine area</u>, is maintained and enhanced.</i>

Section of plan	Support or Oppose	Reason for Submission	Decision Sought
Objective 13: Coastal hazard risk and public health and safety	Support	Coastal farmers are well aware of and actively manage these issues.	Adopt objective as notified.
POLICIES			
Policy 2: Integrated management	Support	See reasons given above (Objective 1).	Adopt the policy as notified.
Policy 4: Extent and characteristics of the coastal environment	Support in part	The Federation is in favour of mapping, in preference to the case by case determination of the extent of coastal environment referenced in this policy. Mapping creates certainty for landowners who can see at a glance into which overlays their land may fall. However, otherwise, we support the wording of this policy, where the inland extent of the coastal environment is determined ' <i>having regard to areas where coastal processes, influences or qualities are significant</i> ' (following the NZCPS).	Mapping is provided to give certainty.
Policy 5: Appropriate use and	Support	See reasons given above (Objective 2).	Adopt the policy as notified.

Section of plan	Support or Oppose	Reason for Submission	Decision Sought
development of the coastal environment			
Policy 6: Activities important to the well-being of people and communities	Support in part	We submit that there should be enabling of appropriate activities / industries within the coast (not simply new and existing infrastructure), where there is the need for people and communities to provide for their well-being.	Amend policy as below: <i>Recognise and provide for new and existing infrastructure <u>and farming activities</u> of regional importance or of significant to the social, economic and cultural well-being of people and communities in Taranaki, subject to appropriate management of adverse environmental effects.</i>
Policy 7: Impacts on established operations and activities	Support	See reasons given above (Objective 3).	Adopt the policy as notified.
Policy 8: Areas of outstanding value	Oppose in part	<p>Federated Farmers has concerns with the reference to protection of amenity values both within and near areas of outstanding value. This could capture a large and undefined area of land surrounding the scheduled features.</p> <p>We are concerned that, by the inclusion of the term 'or adjoining' and by reference to maintaining views of the landscapes and features, this policy seeks to manage areas beyond the coastal marine area and beyond the</p>	<p>Amend the policy as below:</p> <p><i>Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:</i></p> <p><i>(a) avoiding adverse effects of activities on the values and characteristics identified in Schedule 2 that contribute to areas:</i></p> <p><i>(i) having outstanding natural character; and/or</i></p>

Section of plan	Support or Oppose	Reason for Submission	Decision Sought
		<p>scheduled features. The Coastal Plan should only regulate activities within the coastal marine area, not seek to manage activities that are controlled by other regulation e.g. District Plans.</p> <p>It is the Federation's position that where farm land is a feature of ONF/Ls and ONCs, this needs to be recognised and provided for when considering future decisions around the management of activities in these areas. Where a landscape identified is part of a working farm environment, it needs to be recognised that these areas are dynamic in nature.</p> <p>The case law has indicated that it may be acceptable to allow activities that have minor or transitory adverse effects in outstanding areas and still give effect to Policies 11, 13, and 15 of the NZCPS.</p>	<p><i>(ii) being outstanding natural features and landscape'</i></p> <p><i>Within or adjoining coastal management area – Outstanding Value; and</i></p> <p><i>(b) maintaining significant seascapes and visual corridors associated with outstanding natural features and landscapes, including views from within the landscapes or features, and views of the landscapes and features.</i></p>
Policy 9: Natural character and natural features and landscapes	Support in part	We support the list of matters to have regard to in this policy as it is clear and comprehensive.	Adopt the list of matters to have regard to in the policy as notified.
Policy 15:	Support in part	We support the principle of protecting the values	Historic heritage sites are accurately mapped to give certainty.

Section of plan	Support or Oppose	Reason for Submission	Decision Sought
Historic heritage		<p>of significant historic sites.</p> <p>Information for landowners regarding archaeological sites or sites of significance to Maori on their property is often hard to find. Landowners appreciate a personal approach by organisations, rather than blanket regulation that is often difficult to apply on the ground.</p> <p>Some other issues commonly reported by farmers in relation to historic heritage include:</p> <ul style="list-style-type: none"> • Imprecise or inaccurate mapping of sites, leading to confusion over which areas are subject to provisions and which are not. We support the Council's efforts to identify and/or map all known historic heritage sites in the Coastal Marine Area. • Recognition in plans and policies that some farming activities have no adverse effect on the protected values or can aid in the maintenance of historic sites, including appropriate grazing, fencing repairs, road or path maintenance / upgrading, and weed control. 	<p>Normal farming activities are recognised as co-existing with heritage values and enabled to continue.</p>
Policy 17: Public access	Oppose in part	<p>While Federated Farmers is supportive of the principle of enhancing public access, we do not consider it appropriate in all instances to manage access to and along the coastal marine</p>	<p>Add to Policy 17 as below or similar:</p> <p><i>Maintain and <u>as far as practical</u> enhance <u>where a demand exists</u>, public access to, along and adjacent to the coastal</i></p>

Section of plan	Support or Oppose	Reason for Submission	Decision Sought
		<p>area in a manner that maximises public use; this may in some circumstances unduly restrict common farming practices. Public access across private land may sometimes need to be restricted, for reasons of the health and safety of visitors, or for the security of the people living and working on site. At lambing or calving time, public access may also be denied to protect vulnerable livestock.</p> <p>We note and support the inclusion of (b)(v) which talks about protecting public health or safety. However, this is in the context of 'maintaining and enhancing public access to, along and adjacent to the coastal environment', with no mention of the need of landowners to manage and at times restrict public access through their properties.</p> <p>It is only appropriate to facilitate public access where there is an identified public need for it, and the circumstances appropriately allow for it. It must be noted, there is also no legal requirement for public access to privately owned land and access must be negotiated with the landowner. If members of the public have to walk across private property to get to the coast, it requires landowner permission; in our experience this is readily granted if the request</p>	<p>environment <u>marine area, while minimising conflict with other land users</u> by:</p> <p>(a) <i>avoiding, remedying or mitigating any adverse effects of activities on public access;</i></p> <p>(b) <i>promoting the enhancement or restoration of public access including for the connection of areas of public open space, access to mahinga kai, access to sites of historical and/or cultural importance, improving outdoor recreation opportunities, access to surf breaks and providing access for people with disabilities; and</i></p> <p>(c) only <i>imposing a restriction on public access, including vehicles, where such a restriction is necessary to:</i></p> <p>(i) <i>protect significant natural or historic heritage values;</i></p> <p>(ii) <i>protect dunes, estuaries and other sensitive natural areas or habitats;</i></p> <p>(iii) <i>protect sites and activities of cultural value to Maori;</i></p> <p>(iv) <i>protect threatened or at risk indigenous species and rare and uncommon ecosystem types as identified in Schedule 4A;</i></p> <p>(v) <i>protect public health or safety, including where the safety of other coastal or beach users is threatened by inappropriate use of vehicles on beaches and vessels offshore;</i></p> <p>(vi) <i>provide for defence purposes in accordance with the</i></p>

Section of plan	Support or Oppose	Reason for Submission	Decision Sought
		<p>is reasonable.</p> <p>This policy should also recognise the need to minimise conflicts with other users of land in the coastal environment. Farmers living near popular beaches report past difficulties with members of the public crossing their land or parking in paddocks without permission, leaving gates open, letting livestock out or disturbing stock, leaving litter and glass, lighting fires and driving vehicles over electric fences used to manage grazing. While many people are considerate, farmers stress the importance of talking to the landowner and asking permission for access.</p> <p>These type of considerations are not included in the policy at present; we submit wording be added, to recognise that public access over private land is at the discretion of the landowner and may sometimes need to be restricted.</p> <p>Landowners should not be impacted or controlled in their farming activities simply because they neighbour a coastal marine area. Federated Farmers is concerned that by referring to access to the coastal environment, this objective concerns public access to private land beyond the coastal marine area.</p>	<p><i>Defence Act 1990 or port or airport purposes;</i></p> <p><i>(vii) avoid or reduce conflict between public uses of the coastal marine area and its margins;</i></p> <p><i>(viii) provide for temporary activities or special events;</i></p> <p><i>(ix) ensure a level of security consistent with the activity, including protection of equipment; or</i></p> <p><u><i>(x) To maintain a level of security for lawfully established activities, uses and management of areas within or adjacent to the coastal marine areas.</i></u></p> <p><u><i>(xi) Where the coastal marine area is in private ownership; or</i></u></p> <p><i>(xii) provide for other exceptional circumstances where restriction to public access is justifiable;</i></p> <p><i>and alternative access routes for the public have been considered and provided where practicable.</i></p> <p><u><i>Public access over private land remains at the discretion of the landowner.</i></u></p>

Section of plan	Support or Oppose	Reason for Submission	Decision Sought
<p>Policy 19: Surf breaks and Significant Surfing Area</p>	<p>Oppose in part</p>	<p>There is a considerable amount of farmland in the new Significant Surfing Area zone, both paddocks and farm buildings. It is unclear from the Proposed Plan whether farming activities could be captured by Policy 19 and we would appreciate clarification on this. If they were, we would have significant concerns with this Policy. We note that the information sheets supplied with other supporting documents suggest that it was not the intention to prioritise surfing at the expense of other coastal activities.</p> <p>Normal farming activities should be able to continue unhindered by the creation of a new zone for the benefit of surfers. We understand that the intention is to provide a high level of protection for recreational surfing, but we seek to also protect farms, where people live and work along the coast. We are unaware of farming activities impacting on surf breaks, but well aware that poorly managed public access has affected farming businesses in the past. We would advocate for a 'live and let live' attitude that allows both activities to continue without undue restrictions.</p>	<p>We submit that the inland boundary of the Significant Surfing Area be moved seaward to mean high water springs or similar, to avoid potential (and probably unintended) restrictions on normal farming activities.</p> <p>We submit that Policy 19 be amended as below:</p> <p><i>Protect surf breaks and their use and enjoyment from the adverse effects of other activities <u>in the Coastal Marine Area</u> by:</i></p> <p><i>(a) avoiding adverse effects on:</i></p> <p><i>(i) all nationally significant surf breaks as identified in Schedule 7; and</i></p> <p><i>(ii) all surf breaks within the designated Significant Surfing Area as identified in Schedule 7</i></p> <p><i>(b) avoiding adverse effects on all regionally significant surf breaks, identified in Schedule 7, that are outside of the Significant Surfing Area;</i></p> <p><i>Unless the activity is necessary for the provision of regionally important infrastructure <u>or farming activities</u>¹, avoidance of effects is not possible and adverse effects are remedied or mitigated.</i></p> <p><i>(c) avoiding, remedying or mitigating adverse effects on all</i></p>

¹ If the Policy is amended to confine itself to the Coastal Marine Area as submitted, this addition may not be needed.

Section of plan	Support or Oppose	Reason for Submission	Decision Sought
		<p>As Council will be aware, since the Supreme Court's <i>King Salmon</i> decision, policies that reference avoiding (all) adverse effects have been interpreted as meaning that activities causing even minor adverse effects should be prohibited. We therefore seek clarity around where and why zone boundaries have been drawn to include substantial areas of farmland and exactly what adverse effects are in view. The 'avoid' provisions are after all a very high bar.</p> <p>We note that the vast majority of activities mentioned in the MetOcean Solutions report ('Taranaki Surf Breaks of National Significance', p.21-22) that could adversely affect surfing are located in the Coastal Marine Area and therefore do not occur on farms e.g. groynes, dredging, sea walls, pipelines installed on the seabed, sand and gravel mining, breakwater and jetties, occupation of the foreshore and seabed, windfarms and offshore structures. Access is mentioned (but also described as primarily a District Council matter, p.22), as is water quality (sewerage and river discharges, regulated under the Regional Fresh Water Plan). All the potential adverse effects described therefore either occur in the Coastal Marine Area, or are already regulated by other plans.</p>	<p><i>locally significant surf breaks listed in Schedule 7;</i></p> <p><i>(d) within the Significant Surfing Area, avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on seascape, including development <u>within the Coastal Marine Area</u> which would have an adverse effect on the remote feel of the area; and</i></p> <p><i>(e) in managing adverse effects in accordance with clauses (a), (b) and (c), having regard to:</i></p> <p><i>(i) effects on the quality or consistency of the surf break by considering the extent to which the activity may change or interrupt coastal sediment dynamics; change or interrupt swell within the swell corridor including through the reflection, refraction or diffraction of wave energy; or change the morphology of the foreshore or seabed; and</i></p> <p><i>(ii) the effects on access to surf breaks and other qualities of surf breaks, including natural character, water quality and amenity values.</i></p>

Section of plan	Support or Oppose	Reason for Submission	Decision Sought
		<p>We submit that the Policy could therefore confine itself to activities within Coastal Marine Area, without any reduction in effectiveness and that this would be appropriate.</p> <p>For the Significant Surfing Area, the simplest solution may be to alter its boundaries to exclude farmland. We submit that the inland boundary of the Significant Surfing Area be moved seaward to avoid capturing farmland in a zone designed to protect recreational surfing activity; we suggest aligning the boundary to mean high water springs, as this is where the rules are in effect.</p> <p>We also submit that the exemption in policy 19 (b) should include farming activities (not only regionally important infrastructure).</p> <p>We have concerns about Policy 19 (d); terrestrial activities next to the surf zone should not be expected to avoid, remedy or mitigate effects on surf zone. Policy should be limited to activities in the surf that could affect the surf.</p> <p>Also, (d) refers to '<i>development which would have an adverse effect on the remote feel of the area</i>'. This is an extremely subjective phrase</p>	

Section of plan	Support or Oppose	Reason for Submission	Decision Sought
		<p>and it is unclear whether farm buildings could be captured in the idea of 'development'; the Plan should provide for the ongoing maintenance and development of the rural farm businesses along the coast. We would have concerns if for example the view of the land from a surf board became an impediment to the building of necessary farm infrastructure.</p> <p>We support the list of matters to have regard to in Policy 19 (e) (i): <i>'effects on the quality or consistency of the surf break by considering the extent to which the activity may change or interrupt coastal sediment dynamics; change or interrupt swell within the swell corridor including through the reflection, refraction or diffraction of wave energy; or change the morphology of the foreshore or seabed'</i>, as this provides useful focus on the effects in view.</p> <p>We oppose the reference to access in Policy 19 (e) (ii). We have already outlined issues with public access and access would best be dealt with in Policy 17.</p>	
Policy 20: Avoidance of increasing	Support in part	We support the principles contained in these policies, of avoiding <i>'increasing the risk of social, environmental and economic harm from coastal hazards or posing a threat to public</i>	That provisions designed to protect against coastal hazards avoid unnecessarily capturing farm infrastructure.

Section of plan	Support or Oppose	Reason for Submission	Decision Sought
coastal hazard or public safety risks And Policy 21: Natural hazard defences		<p><i>health and safety' ...</i></p> <p>Provisions intended to manage coastal hazard risk should not accidentally regulate farm building or fences; these are not inhabited and such sheds / fences will not make coastal hazards worse. There is obviously no need to regulate a shed with a dirt floor used to park tractors in the same manner as a residential building: no lives are at risk and there will be no displacement of people compared to a house at risk of erosion. Rural properties also have plenty of space available for managed retreat of buildings and structures.</p>	
METHODS OF IMPLEMENTATION			
6.1 General	Support	This section provides a useful list of actions that could be used to maintain or enhance coastal values e.g. provision of information, consideration of the use of economic instruments and state of the environment monitoring.	Adopt Section 6.1 as notified.
6.4 Natural heritage	Support	This section provides a useful list of actions that could be used to maintain or enhance coastal	Adopt Section 6.4 as notified.

Section of plan	Support or Oppose	Reason for Submission	Decision Sought
		values.	
6.6 (34)	Support	We support the establishment of a working group, including landowners, relevant agencies, iwi and interest groups to protect and enhance the values of the Significant Surfing Area.	Adopt Section 6.6(34) as notified.
Note in 9.1.1	Support	We support the limitation of the financial contributions section to mitigating restrictions on access caused by activities within the coastal marine area, not to activities conducted solely above mean high water springs.	Adopt as notified.

Your name

roger maxwell

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Could you gain an advantage in trade competition through this submission?

No

Do you wish to be heard in support of your application?

Yes

Your submission on the Proposed Plan

What action if any is proposed to manage/control the expansion of Mangroves in the estuarine areas of the Taranaki Coastal area.

Your comment on documents incorporated by reference in the Proposed Plan, as detailed in Schedule 9 (comment optional)

Document/file 1

Document/file 2

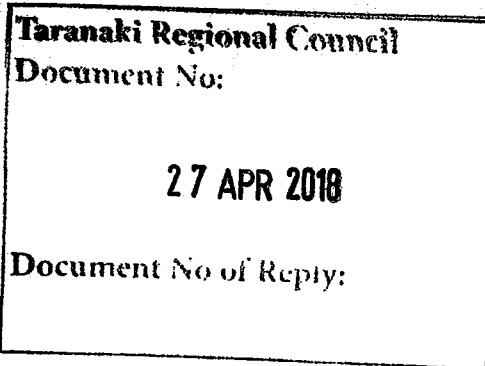
Document/file 3

Document/file 4

ItemEditForm - SubmittedFormField

Title	Value
Your name	Allen Pidwell
Organisation (if applicable)	
Address	19 Poplar grove whalers gate
Daytime phone number	210567659
Email address	pidwell@orcon.net.nz
Could you gain an advantage in trade compeition through this submission?	No
Do you wish to be heard in support of your application?	No
Your submission on the Proposed Plan	I support the Proposed Coastal Plan
Your comment on documents incorporated by reference in the Proposed Plan, as detailed in Schedule 9 (comment optional)	
Document/file 1	
Document/file 2	
Document/file 3	
Document/file 4	

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22. April. 2018

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Re: Submission on the Taranaki Proposed Coastal Plan

Introduction

Point Board Riders (PBR) has been established as an organisation for over 50 years and is affiliated to Surfing New Zealand. Surfing NZ is the national body for surf competitions. PBR is located at Whaingaroa Raglan and organises local club surf competitions that are held at Manu Bay.

Submission

The Taranaki Proposed Coastal Plan has set out a three tiered approach to surf breaks as set out in Schedule 7A with a variety of mechanisms to carry out its functions under the RMA 1991. PBR considers that the inclusion of the designated Significant Surfing Area as an overlay is a positive method of protection and is supported. But PBR would like to submit that the area from Pungarehu to Okato is only a small area of the Taranaki surf breaks therefore seek to have more of the coastline added to the overlay.

PBR support the inclusion of the Nationally Significant surf breaks and inclusion of Locally Significant surf breaks. While doing so, PBR raise the issue of the lack of protection for the remaining surf breaks on the coast as an issue.

PBR support policy 5.11 (d) (iii), 17(b), 18(C),19 and 6.6 clause 34 that seeks to establish a working group of stakeholders for the designated Significant Surfing Area. PBR consider that local surfing groups or surf clubs such as Waitara Board Riders club should have representation on that working group. PBR submit that the setting up of a working group for those purposes should be repeated in other areas of the coastline if this group is successful.

PBR supports rule 8 that prohibits the discharge of treated human sewage into waterways and onto land. Additionally PBR supports rule 5 that prohibits untreated human sewage discharge into water or onto land in the coastal marine area along with supporting policy 26. Furthermore, PBR supports Policy 3 relating to the precautionary approach.

Lastly, PBR support the submission by Surfbreak Protection Society.

Conclusion

PBR wish to be heard in support of our submission

Yours sincerely

Maioha Kelly

Vice President

SUBMISSION ON A PUBLICLY NOTIFIED PROPOSAL FOR PLAN CHANGE**Clause 6 of First Schedule, Resource Management Act 1991****TO: TARANAKI REGIONAL COUNCIL****SUBMITTER: TRANS-TASMAN RESOURCES LIMITED**

1. This is a submission by **Trans-Tasman Resources Limited** (TTR) on the proposed Taranaki Regional Coastal Plan (Proposed Plan).
2. TTR is a New Zealand based and managed company established in 2007 to explore and develop New Zealand's offshore mineral sand deposits. TTR holds a mining permit within the South Taranaki Bight and was granted marine and marine discharge consents to mine in the exclusive economic zone in July 2017. TTR wishes to ensure that the Proposed Plan appropriately provides for its current and future activities in the coastal marine area including monitoring and sampling.
3. TTR could not gain an advantage in trade competition through the submission.
4. The specific provisions of the Proposed Plan that TTR's submission relates to are:
 - (a) Chapter 3;
 - (b) Chapter 4;
 - (c) Chapter 5;
 - (d) Chapter 8;
 - (e) Definitions and acronyms;
 - (f) Schedules 2, 4A and 4B.
5. TTR **supports and opposes** various provisions of the Proposed Plan as detailed in this submission.

TTR POSITION AND REASONS

6. TTR supports the provision of objectives, policies and rules within the Proposed Plan for coastal activities. TTR however seeks changes to several provisions to ensure that the Proposed Plan:
- (a) appropriately recognises and provides for its monitoring and sampling activities as well as any future development;
 - (b) only requires consent for activities where there are likely to be more than minor effects;
 - (c) is coherent, consistent and effects based;
 - (d) gives effect to relevant higher order policy documents;
 - (e) is consistent with the relevant section 32 requirements; and
 - (f) gives effect to the sustainable management purpose of the Act.

PROVISIONS SUPPORTED

7. Without limiting the above, the provisions that TTR particularly supports are:
- (a) **Chapter 3 Coastal Management:**
 - i. **Section 3.1: Taranaki coastal environment – appropriate use and development**, paragraph 1 – as it appropriately recognises that some activities require a coastal location and it also recognises the importance of Taranaki mineral producing region to New Zealand; and
 - ii. **Section 3.2.3: Managing the Taranaki coastal environment** – as it confirms that the objectives, policies, rules and methods will recognise and provide for appropriate use and development of natural resources (which under the RMA include minerals) within the coastal environment and the contribution such development has to peoples, social, economic and cultural well-being and health and safety.
 - (b) **Chapter 4 Objectives:**
 - i. **Objective 1: Integrated management** – as taking an integrated approach to management of effects is appropriate; and
 - ii. **Objective 2: Appropriate use and development** – as it recognises the need to provide for use and development in appropriate locations.

(c) **Chapter 5 Policies:**

- i. **Policy 1(d)(i): Coastal management areas, open coast** – as this policy appropriately acknowledges the existing high energy wave environment and current coastal erosion;
- ii. **Policy 17(c)(vii) and (ix): Public access** – as these provisions recognise that in some circumstances (such as to avoid conflict between uses and for security reasons) there may be a need to restrict access to parts of the coastal environment;
- iii. **Policy 32(e): Placement of structures** – as this provision appropriately recognises that in some circumstances it is not appropriate to make structures available for public or multiple use;
- iv. **Policy 39: Occupation** – as this recognises that it is appropriate for structures to locate in the coastal marine area where they do not unreasonably restrict other users or have significant adverse effects;
- v. **Policy 44: Extraction or deposition of material (a) – (e) and (g)** – as (with the exception of (f) discussed further below) this provides appropriate policy support and guidance for CMA extraction and deposition activities; and
- vi. **Policy 47: Taking and use of coastal water** – as this provision appropriately recognises that the taking and use of coastal water should be enabled provided there are no adverse environmental effects.

(d) **Chapter 8 – Rules:**

- i. **Rule 12: Seismic surveying and bathymetric testing** – as such surveys and tests are important for some existing and proposed activities within the coastal environment, the effects are minor and transitory, and the surveys and tests are useful in establishing or monitoring key aspects of the coastal environment;
- ii. **Rules 13 and 14: Other discharges to water or land** – as these rules appropriately recognise and provide for other discharge activities to be assessed as either discretionary in open coast or non-complying in the more sensitive outstanding value areas and are consistent with the activity status given to “other” activities (rules 33, 34, 42 and 43);

- iii. **Rule 20: Mooring structure placement** – as this rule recognises that some monitoring and sampling activities will require mooring structures, and appropriately provides for them as a permitted activity;
- iv. **Rules 33 and 34: Other structure erection or placement** – as these rules appropriately recognise and provide for other structures to be assessed as either discretionary in open coast or non-complying in the more sensitive outstanding value areas and are consistent with the activity status given to other activities (rules 13, 14, 42 and 43);
- v. **Rules 42 and 43: Other structure repair, extension, removal or replacement** - as these rules appropriately recognise and provide for activities involving other structures to be assessed as either discretionary in open coast or non-complying in the more sensitive outstanding value areas and are consistent with the activity status given to other activities (rules 13, 14, 33 and 34);
- vi. **Rule 44: Structure removal or demolition** – as this rule appropriately recognises the benefits of enabling removal of structures as a permitted activity from the coastal marine area when they are no longer required;
- vii. **Rule 48: Continued occupation** – as this rule appropriately provides for existing lawfully established structures to remain in place;
- viii. **Rule 52: Collection of benthic grab samples** – as this rule appropriately enables monitoring of effects on benthic communities by providing for the removal of benthic material as a permitted activity where it is for scientific or monitoring purposes and where it meets the terms set out in the rule (note there is a consequential change suggested to this rule as a result of the submissions below opposing and seeking amendments to Schedule 4);
- ix. **Rule 53: Minor disturbance and removal** - as this rule recognises the minor effects arising from such disturbance and removal;
- x. **Rules 60 and 61: Other disturbance, damage, destruction, removal or deposition** – providing for other activities as discretionary in coastal areas and non-complying in more sensitive areas is appropriate and consistent with the way in

which the other rules have approached similar catch all provisions (13, 14, 33, 34, 42, and 43); and

- xi. **Rule 65:** Taking or use of water, heat or energy - as this rule appropriately provides for the taking and use of coastal water as a permitted activity where the taking and use would not affect significant sites, species, or ecosystems (note the appropriateness of schedule 4A is addressed below).

CHANGES SOUGHT TO THE PROPOSED PLAN

- 8. TTR considers that some provisions of the Proposed Plan require amendment and that some new provisions are required to ensure that the matters set out at paragraphs 6(2) to (f) are achieved. These are as follows:

- (a) **Chapter 5 – Policies:**

- i. **Policy 5: Appropriate use and development of the coastal environment** – TTR considers that (b), (c), (e), (f) and (g) require amendment as:
 1. (b) - at present this policy only recognises the benefits that flow from renewable energy resources. However, non-renewable resources and mineral extraction activities also have similar benefits and the policy should be amended to recognise this.
 2. (c) – this policy appears to require an alternatives assessment for *any* proposal to use and develop resources. However, under the RMA an assessment of alternatives is only required in certain circumstances - where the activity involves a discharge, or dumping or incineration of waste, will affect a protected customary right or there are significant adverse effects. This is also the case regarding the requirement for an activity to be the 'best practicable option' (BPO) under the RMA. TTR considers that the policy should be amended to recognise that an alternatives assessment, and the need for an activity to be the BPO, is not always required, in particular, where there are not significant adverse effects.
 3. (e) - TTR considers that the words "pose a threat" are uncertain and that the policy should instead be amended to refer to risks.

4. (f) and (g) – at present these policies require consideration of the extent to which the activity contributes to the enhancement or restoration of various matters. TTR considers that the policies should be amended to refer to maintenance to be consistent with the higher order policy documents.
- ii. **Policy 8: Areas of outstanding value** - at present this policy would require the avoidance of all adverse effects no matter how trivial or transitory. While that position is consistent with the wording in policies 13(1)(a) and 15(a) of the NZCPS, the Supreme Court in *King Salmon*, recognised that those NZCPS policies were not intended to ban any effects no matter how minor, or transitory.¹.
- iii. **Policies 11 and 13: Coastal water / air quality** – these policies currently require the maintenance and enhancement of water and air quality. However, TTR considers it is more appropriate that the policies refer to maintenance or enhancement, as enhancement is not required under the RMA or higher order policy documents in all cases.
- iv. **Policy 14: Indigenous biodiversity** – at present this policy would seek to avoid adverse effects on a wide range of taxa set out in Schedule 4A and avoid significant adverse effects and avoid, remedy or mitigate other effects on ecosystems and habitats set out in Schedule 4B. As noted below, TTR considers there are issues with the schedules and this policy should be amended to reflect the relief sought below.
- v. **Policy 16: Relationship of tāngata whenua** - at present policy (i) and (j) are too broad and provide no guidance as to when it may be appropriate to require a cultural impact assessment (CIA) or involve tāngata whenua in the development of conditions. The RMA does not require an applicant to consult or to provide a cultural impact assessment – instead the requirement is to avoid, remedy or mitigate the effects on Maori. Going a step further and imposing a CIA as a requirement would mean that developments could be stymied by tāngata whenua refusing to provide a CIA. Similarly, were tāngata whenua input into conditions to be required, developments could be delayed or stymied if that input were not forthcoming. TTR considers that these policies

¹ *Environmental Defence Society Incorporated v New Zealand King Salmon Company Limited* [2014] NZRMA 195 (SC) at paragraphs [141] and [145].

should be revised to be consistent with the obligations under the RMA and to provide greater certainty.

- vi. **Policy 20: Avoidance of increasing coastal hazard or public safety** – TTR considers that the use of the words “posing a threat” is too uncertain and that the policy should instead be amended to refer to avoiding increased risks to public health and safety and aircraft and navigation safety.
- vii. **Policy 29: Impacts from offshore petroleum drilling and production** – TTR considers that this policy should be expanded to also include non-petroleum related drilling and production activities.
- viii. **Policy 43: Port dredging** – While TTR supports this policy, TTR considers that dredging may also be required at other ports or for other significant infrastructure within the region and the policy should be expanded accordingly; and
- ix. **Policy 44(f): Extraction or deposition of material** – TTR considers that this policy is too subjective and provides no guidance as to when it may be applicable and appropriate to impose size and sorting requirements on deposited material. TTR considers that there may be a range of circumstances when such requirements may not be appropriate to impose such a requirement (particularly in relation to sorting) and accordingly, this policy should be deleted.

(b) **Chapter 8 Rules:**

- i. **(new) rule 26A: Disturbance of the seabed by drilling:** unlike the operative coastal plan the proposed plan does not contain a rule enabling drilling as a permitted activity. Drilling is an important means by which minerals mining and petroleum permit holders can define the location and properties of the minerals/petroleum resource to which their permits relate and establish the properties of an area in which they may be seeking to locate equipment. The effects associated with such drilling are minor and of a similar level to benthic grab samples provided for as a permitted activity. TTR considers that a rule should be included to provide for such drilling as a permitted activity. This would also be consistent with the proposed policy 29.

(c) **Definitions and acronyms:**

- i. **Adaptive management** – the definition is very broad and would capture orthodox compliance conditions and is inconsistent with how the term has been used in an RMA context. TTR considers the definition should be amended to reflect that adaptive management is about assessing the effects of an activity by allowing an activity to commence on a small scale, staged or trail basis and that good baseline information is required.
- (d) **Schedules:**
- i. **Schedule 2: Coastal areas of outstanding value** – TTR opposes the inclusion of the project reef as ONC6 - an area of outstanding value - as there does not appear to be a sufficient evidential basis to support such a classification. TTR seeks that all references to the project reef be removed from this schedule until there is a sufficient evidential basis to warrant the project reef site being classified as an ONC.
 - ii. **Schedule 4A: Significant species and ecosystems** – TTR considers it is inappropriate to include a list of significant species and ecosystems based on the threat classification status given the classification status are reviewed every three years whereas the coastal plan is expected to have a 10-year life. If the schedule is to remain, TTR considers that it should be amended to remove reference to non-threatened flora and fauna, and to at risk species unless they are declining.
 - iii. **Schedule 4B: Sensitive marine benthic habitats** - TTR opposes the inclusion of this schedule as there is insufficient evidential basis to support these areas as being sensitive. The plan itself describes the information as being “very limited with only a small area actually having been sampled.” TTR seeks deletion of this entire schedule.

RELIEF SOUGHT

9. TTR seeks the following decision from Taranaki Regional Council:
- (a) that the Proposed Plan be amended to address the concerns expressed in this submission and incorporate the amendments shown in the attached **Appendix 1** or words to similar effect;
 - (b) such further or other amendments as may be necessary to fully address TTR's concerns noted in this submission; and
 - (c) any consequential changes arising from the above amendments.

10. TTR wishes to be heard in support of its submission.
11. If others make a similar submission, TTR will consider presenting a joint case with them at a hearing.



DATE: 23 April 2018

Mike Holm / Vicki Morrison-Shaw

Counsel for **Trans-Tasman Resources Limited**

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APPENDIX 1 – CHANGES SOUGHT BY TTR TO THE PROPOSED PLAN

Chapter 5 Policies

1. Amend policy 5 to read as follows:

Policy 5: Appropriate use and development of the coastal environment

Determine whether use and development of the coastal environment is in an appropriate place and form and within appropriate limits by having regard to:

(a) the functional need for the activity to be located in the coastal marine area. Conversely, activities that do not have a functional need to be located in the coastal marine area generally should not be located there (unless the nonmarine related activity complements the intended use and function of the area);

(b) the benefits to be derived from the activity at a local, regional and national level, including the potential contribution of aquaculture and marine based ~~renewable~~ energy or mineral resources;

(c) the appropriateness of the proposed design, methodology, and the location or route of the activity in the context of the receiving environment and, where there are deemed to be significant adverse effects, any possible alternatives;

(d) the degree to which the activity will recognise and provide for the relationships, uses and practices of Māori and their culture and traditions with their lands, water, sites, wāhi tapu, and other taonga in the coastal environment such as mahinga kai, tauranga waka (canoe landing sites), nga toka (rocks) and turanga ika (fishing grounds);

(e) the degree to which the activity will be threatened by, or contribute to, coastal hazard risk, or ~~pose a threat to~~ public health and safety risks with particular reference to Policy 20;

(f) the degree to which the activity contributes to the maintenance, enhancement or restoration of natural or historic heritage including by buffering areas and sites of historical heritage value;

(g) the degree to which the activity contributes to the maintenance, enhancement or restoration of public access or public use of the coast including for recreation;

...

2. Amend policy 8 as shown below or define adverse effects as excluding minor or transitory effects:

Policy 8: Areas of outstanding value

Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:

(a) avoiding adverse effects of activities (other than minor or transitory effects) on the values and characteristics identified in Schedule 2 that contribute to areas:

(i) having outstanding natural character; and/or

(ii) being outstanding natural features and landscape;

within or adjoining coastal management area – Outstanding Value; and

(b) maintaining significant seascapes and visual corridors associated with outstanding natural features and landscapes, including views from within the landscapes or features, and views of the landscapes and features.

3. Amend policy 11 to read as follows:

Policy 11: Coastal water quality

Maintain ~~or and~~ enhance coastal water quality by avoiding, remedying and mitigating the adverse effects of activities on:

...

4. Amend policy 13 to read as follows:

Policy 13: Coastal air quality

Maintain ~~or and~~ enhance coastal air quality by avoiding, remedying and mitigating the adverse effects of activities on the life supporting capacity of coastal air.

5. Amend policy 14 to read as follows:

Policy 14: Indigenous biodiversity

Protect areas of significant indigenous biodiversity in the coastal environment and maintain and enhance indigenous biodiversity by:

(a) avoiding adverse effects of activities on:

(i) indigenous taxa that are nationally threatened or at risk ~~(declining), or regionally distinctive,~~ including those identified in Schedule 4A;

(ii) taxa that are internationally threatened including those identified in Schedule 4A;

(iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, ~~or are naturally rare,~~ as identified in Schedule 4A;

(iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;

(v) areas containing nationally significant examples of indigenous community types; and

(vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and

(b) avoiding significant adverse effects and avoiding, remedying and mitigating other adverse effects of activities on:

(i) areas of predominantly indigenous vegetation in the coastal environment;

(ii) habitats in the coastal environment that are important during the vulnerable life stage of indigenous species including:

- i. estuaries;
- ii. spawning areas (e.g. snapper-trevally spawning area in the North Taranaki Bight between Mōhakatino River and Pariokariwa Point);
- iii. areas that provide passage for diadromous species;
- iv. marine mammal resting, feeding and breeding areas; and
- v. bird roosting and nesting areas;

(iii) indigenous ecosystems and habitats found only in the coastal environment and which are particularly vulnerable to modification including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass, ~~and saltmarsh areas and sensitive marine benthic habitats as identified in Schedule 4B;~~

...

6. Amend policy 16(i) and (j) to read as follows:

Policy 16: Relationship of tangata whenua

Recognise and provide for the relationship of tangata whenua culture, values and traditions with the coastal environment and take into account the principles of the Treaty of Waitangi, and kaitiakitanga. The Taranaki Regional Council will provide opportunities for tangata whenua to actively participate in the resource management process where decisions are being made on issues of significance to tangata whenua by:

...

(i) requiring that resource consent applications or plan change applications ~~provide cultural and/or historic heritage/archaeological impacts assessments and/or archaeological assessments~~ assess where ~~relevant~~ appropriate; and

(j) ~~involving taking into account any views of tangata whenua in the development of on any relevant proposed consent conditions, compliance monitoring plans and/or enforcement procedures where appropriate.~~

7. Amend policy 20 to read as follows:

Policy 20: Avoidance of increasing coastal hazard or public safety risks

Avoid increasing the risk of social, environmental and economic harm from coastal hazards ~~or posing a threat and avoid increased risks~~ to public health and safety, or aircraft or navigation safety including by:

...

8. Amend policy 29 to delete the reference to petroleum as follows:

Policy 29: Impacts from offshore ~~petroleum~~ drilling and production

Activities associated with ~~petroleum~~ drilling and production in the coastal marine area will be managed to avoid, remedy or mitigate adverse environmental effects associated with accidental discharges by ensuring:

(a) use of industry best practice drilling, construction and maintenance methods, including the type of mud systems and maintenance and construction materials;

(b) discharges of fluids from any well do not occur unless specifically authorised;

(c) compliance with relevant recognised standards, codes of practice, or regulations; and

(d) it is undertaken in an appropriate manner and location having regard to the values and sensitivity of the environment potentially affected and the degree and significance of effects.

9. Amend policy 43 to read as follows:

Policy 43: ~~Port-dredging~~

Maintenance and capital dredging activities for ports or nationally or regionally significant infrastructure Port Taranaki, including spoil disposal, will be managed in order that:

(a) uncontaminated sand is deposited in inshore areas in a manner that mitigates the effects ~~of Port Taranaki facilities~~ on natural littoral sediment processes;

(b) fine particle sediment (silt) and any contaminated sediment is deposited in appropriate offshore spoil disposal areas;

(c) best practicable methods and procedures for dredging and depositing contaminated sediments, or dredging in the zone of natural oil seeps, are used so that sediment or contaminant mobilisation and dispersal is minimised as far as practicable; and

(d) adverse environmental effects are avoided, remedied or mitigated.

10. Delete policy 44(f):

Policy 44: Extraction or deposition of material

Extraction of sand, shingle, shell and other natural material from the foreshore or seabed, or deposition of material on the foreshore or seabed, not provided for by Policies 39, 40, and 42 should:

...

~~(f) where applicable and appropriate, ensure that the deposited material is of a similar size, sorting and parent material as the receiving sediments; and~~

Chapter 8: Rules

11. Add new rule 26A as follows:

Disturbance of the seabed by drilling

<u>Activity</u>	<u>Rule</u>	<u>Classification</u>	<u>Coastal management area</u>	<u>Standards / terms / conditions</u>	<u>Control / notification</u>	<u>Policy reference</u>
<u>Disturbance of seabed by drilling</u>	<u>26A</u>	<u>Permitted</u>	<u>Estuaries Unmodified</u>	<u>(a) Drilling is confined to mud, silt, sand, gravel and other fine sediments;</u>		

<u>Activity</u>	<u>Rule</u>	<u>Classification</u>	<u>Coastal management area</u>	<u>Standards / terms / conditions</u>	<u>Control / notification</u>	<u>Policy reference</u>
			<u>Estuaries Modified Open Coast Port</u>	<p><u>(b) drilling does not occur within the Schedule 2 locations or within 200m of the Schedule 2 locations;</u></p> <p><u>(c) spacing between drilling locations (other than a re-drill or twinning of a hole) is not less than 0.5 km;</u></p> <p><u>(d) recurrent drilling (other than a re-drill or twinning of a hole) at the same location does not occur more frequently than once every two months;</u></p> <p><u>(e) the volume of material removed from a drilling location does not exceed 0.3 m³;</u></p> <p><u>(f) the area of seabed disturbed at a drilling location does not exceed 3 m²;</u></p> <p><u>(g) drilling does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 [Historic heritage];</u></p> <p><u>(h) drilling does not have an adverse effect on any threatened or at risk (declining) species, or any rare and uncommon ecosystem type, including those identified in Schedule 4 [Significant indigenous biodiversity] or any reef system; and</u></p> <p><u>(i) Taranaki Regional Council is informed of the scale, location and timing of the activity at least five working days before work commences by entering details of the of the activity at www.trc.govt.nz/informcouncil</u></p>		

12. Make a consequential change to rule 52 as follows:

Collection of benthic grab samples

<u>Activity</u>	<u>Rule</u>	<u>Classification</u>	<u>Coastal management area</u>	<u>Standards / terms / conditions</u>	<u>Control / notification</u>	<u>Policy reference</u>
Collection of benthic grab samples for scientific or monitoring purposes involving disturbance of the foreshore or seabed and removal of natural material from the foreshore or seabed and any associated:	52	Permitted	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	<p>(a) Sampling is confined to mud, silt, sand, gravel and other fine sediments;</p> <p>(b) spacing between sampling locations is not less than 0.5 km;</p> <p>(c) recurrent sampling at the same location does not occur more frequently than once every two months;</p> <p>(d) the volume of material removed from a sampling</p>		

Activity	Rule	Classification	Coastal management area	Standards / terms / conditions	Control / notification	Policy reference
<p>(a) deposition of materials onto the foreshore or seabed;</p> <p>(b) occupation of space in the common marine and coastal area; and</p> <p>(c) discharge of sediment.</p> <p>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 60 or Rule 61 depending on the coastal management area involved.</p>				<p>location does not exceed 0.3 m³;</p> <p>(e) the area of seabed disturbed at a sampling location does not exceed 3 m²;</p> <p>(f) sampling does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 [Historic heritage];</p> <p>(g) sampling does not have an adverse effect on any threatened or at risk, or regionally distinctive (declining) species, or any rare and uncommon ecosystem type, or any sensitive marine benthic habitat including those identified in Schedule 4 [Significant indigenous biodiversity] or any reef system; and</p> <p>(h) Taranaki Regional Council is informed of the scale, location and timing of the activity at least five working days before work commences by entering details of the of the activity at www.trc.govt.nz/informcouncil</p>		

13. Amend the definition of adaptive management to read as follows:

Adaptive management means a structured, iterative process of robust decision making in the face of uncertainty, which includes allowing an activity to commence on a small scale or for a short period so that its effects can be assessed and a decision made about the appropriateness of continuing the activity (with or without amendment) on the basis of those effects. ~~with an aim to reducing uncertainty over time via system monitoring.~~ For the purposes of this Plan, the principles underpinning adaptive management include:

- (a) ~~robust baseline monitoring to~~ good baseline information to establish the ~~existing~~ receiving environment;
- (b) resource consent conditions that ~~require provide for~~ effective monitoring of adverse effects using appropriate indicators;
- (c) resource consent conditions that set thresholds requiring remedial action to be taken before significant adverse effects eventuate;
- (d) that any effects that may arise can be remedied before they become irreversible; and
- (e) that the activity is able to cease all or part of its operation, or the scale of part or all of the operation, if the monitoring results warrant it.

14. Amend schedule 2 to remove ONC6 and all references to the project reef. This requires deletion of:
 - (a) the reference to ONC6 and Map-link Map 42 on page 121;
 - (b) the entire ONC6 Project Reef material on page 129; and
 - (c) Map Link Map 42.
15. Delete Schedule 4A in its entirety or amend to remove any non-threatened species and any at risk species other than those which are listed as at risk (declining) under the New Zealand Threat Classification System.
16. Delete Schedule 4B in its entirety.

File No: 24 06 00

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27 April 2018

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Dear Sir/Madam

Waikato Regional Council Submission to the Regional Coastal Plan for Taranaki

Please find attached the Waikato Regional Council's submission in regard to Taranaki Regional Council's proposed Regional Coastal Plan. Please note this is a staff submission which has not been formally endorsed by Council. It will be considered by Council's Strategy and Policy Committee on 15 May 2018.

Should you have any queries regarding the content of this document please contact Andrew Tester, Senior Policy Advisor, directly on (07) 859 4661 or by email Andrew.Tester@waikatoregion.govt.nz.

Regards

A handwritten signature in black ink, appearing to read "Tracey May".

Tracey May
Director Science and Strategy

Submission by

Waikato Regional Council

Taranaki Regional Council – Regional Coastal Plan

1.0 SUBMITTER DETAILS

Waikato Regional Council

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I could not gain an advantage in trade competition through this submission

I am not directly affected by an effect of the subject matter of the submission that:

- (a) does not adversely affect the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

2.0 INTRODUCTION

- 2.1 Waikato Regional Council (WRC) appreciates the opportunity to make a submission to Taranaki Regional Council's proposed Regional Council Plan. WRC's primary interest is in the management of cross boundary issues.
- 2.2 Please note this is a staff submission which has not been formally endorsed by Council. It will be considered by Council's Strategy and Policy Committee on 15 May 2018.
- 2.2 WRC wishes to note that it is working towards notification of the proposed Waikato Regional Coastal Plan in 2020, and looks forward to continuing to work with Taranaki Regional Council on cross boundary issues. Specific points regarding cross boundary issues are considered in Section 3.0 below:

3.0 SUBMISSION ON PROPOSED TARNAKI REGIONAL COASTAL PLAN

Provision	Support/ Oppose	Submission	Relief sought
<i>1. Cross boundary issues</i>			
General/Policy 2 Integrated management	Neutral	<p>There are cross-boundary issues that both TRC and WRC may need to work together on in the future (in particular management of the coastal marine area and coastal environment at the mouth of the Mokau River, and management of natural hazards). WRC’s Coastal Plan includes provisions to establish how cross-boundary and inter-agency collaboration will happen, notably the following implementation methods (See attachment 1):</p> <ul style="list-style-type: none"> • 17.11.1 – Plan Integration • 17.11.2 – Joint Hearings • 17.11.3 – Cross-Boundary Consultation • 17.11.4 – Discussion and Sharing of Information • 17.11.5 – Consideration of the CMA <p>While acknowledging that these provisions will be reconsidered as part of WRC’s review of its Coastal Plan, we request that TRC consider in its plan provisions related to integrated management, cross-boundary issues and the need to work collaboratively with WRC. This may include incorporating a new section with cross-boundary related provisions, or expanding Policy 2 to more explicitly state how cross-boundary matters will be managed through collaboration.</p>	<p>That TRC make amendments to the Regional Coastal Plan to include provisions related to cross boundary issues. This may be achieved by such methods as creating a new policy and implementation method to directly address cross-boundary issues, or by amending Policy 2.</p>

Provision	Support/ Oppose	Submission	Relief sought
Natural hazards (Cross boundary considerations particular to the Mokau River mouth area)	Neutral	<p>The boundary between WRC and TRC falls at the southern side of the mouth of the Mokau River. The village of Mokau is within WRC, and there is limited development on the TRC side of the boundary. The area is at risk from coastal erosion and flooding.</p> <p>The Waikato Regional Policy Statement Implementation Method 13.1.3 'Assess natural hazard risk to communities' commits to collaborating with other agencies to develop long-term strategies for at risk or potentially at risk communities. Recent Ministry for the Environment (MfE) guidance 'Coastal hazards and climate change: Guidance for local government (December 2017)' promotes a dynamic adaptive pathways planning approach, which involves the community in setting trigger points where a change in management direction, as a response to hazards and risk, is required.</p> <p>In the future WRC will be collaboratively carrying out work with communities such as Mokau that combines the approach in the Waikato Regional Policy Statement and MfE Guidance, and when carrying out this work in the Mokau area will advise TRC of its development.</p> <p>Acknowledging Policy 3 of the TRC Coastal Plan, TRC may wish to consider the MfE guidance and incorporating an adaptive pathways planning approach into an Implementation Method related to natural hazards.</p>	<p>That TRC note that WRC will be working collaboratively with other agencies on a long-term strategy for the Mokau area.</p> <p>And</p> <p>That TRC consider incorporating an adaptive pathways planning approach to natural hazards as an Implementation Method.</p>

Provision	Support/ Oppose	Submission	Relief sought
Natural hazards (Cross boundary considerations particular to natural hazards)	Neutral	<p>A known source of sediment along the Waikato and Taranaki coastline is Mount Taranaki. While the exact quantity of this sediment that travels along this coast is unknown, activities both inside and outside of the coastal marine area may affect the supply of this sediment, and have a corresponding effect on coastal erosion both along the Taranaki and western Waikato coastlines.</p> <p>There is an opportunity to recognise the effects that activities outside of the CMA can have on the coastal environment in the TRC Coastal Plan, for example in the explanation regarding coastal hazards in Section 3.1, or through amending Policy 2: Integrated Management to better cover this issue.</p> <p>One possible example of how to achieve this is WRC Regional Coastal Plan Implementation Method 17.11.7 'Effects of Activities above Mean High Water Springs on the CMA':</p> <p><i>"Assess the objectives and policies in regional and district plans, relating to land and water resources, to ensure that activities outside the CMA have minimal effects on the CMA."</i></p>	That TRC amend Section 3.1, or Policy 2 (or similar relief) to acknowledge that activities outside of the CMA can have an effect on the CMA.
Implementation method 50 (Coastal structures and occupation, disturbance, and reclamation)	Support	WRC notes that responses to marine oil spills are managed under the Maritime Transport Act 1994. WRC supports this implementation method and notes that in the event of an oil spill that affects both regions will work in collaboration to ensure an effective response.	Retain provision

4.0 FURTHER INFORMATION AND HEARINGS

3.1 WRC **does not wish to be heard** at the hearings for the proposed Taranaki Regional Coastal Plan.

3.2 WRC **could not** gain an advantage in trade competition through this submission.

5.0 ATTACHMENTS

Attachment 1: Waikato Regional Coastal Plan Cross-Boundary Management Implementation Methods

17.11 Cross-Boundary Management

The following methods primarily implement the policies in the Cross-boundary Management chapter, but they may also relate to other policies in the Plan.

17.11.1 Plan Integration

Environment Waikato will advocate the resource management directions of this Plan when:

- i) other regional plans are being developed by both this and other Councils
- ii) district plans are being developed and/or reviewed
- iii) activities outside the jurisdiction of the Plan, including land use and resource consents, have the potential to impact on the CMA.
- iv) iwi authorities are developing iwi planning documents and environmental policies.

Principal Reasons for Adopting: Issues that cross boundaries need to be managed so that adverse effects on the CMA are recognised and addressed. Environment Waikato needs to consult with other authorities to ensure the directions of this Plan are taken into account in the development of other plans and when proposed activities may adversely affect the CMA.

17.11.2 Joint Hearings

Environment Waikato will seek to ensure joint hearings are held where any proposal requires resource consents from more than one consent authority.

Principal Reasons for Adopting: The link between structures in the CMA and land-based facilities is recognised. Where structures cross the administrative boundary of Mean High Water Springs, integrated management will be necessary, and joint hearings will be held.

17.11.3 Cross-Boundary Consultation

Environment Waikato will consult with other agencies that have management responsibilities in the CMA, particularly the Ministry of Fisheries, Maritime Safety Authority, Department of Conservation and iwi authorities, to promote a joint agency approach to addressing cross-boundary issues.

Principal Reasons for Adopting: The resources of the CMA are managed by a range of different organisations. There is therefore a need for close consultation between these organisations in order to manage coastal issues in a consistent manner. In some circumstances it may also be necessary to involve communities and private landowners in discussions where resource management issues cross the boundary of Mean High Water Springs.

17.11.4 Discussion and Sharing of Information

Environment Waikato will:

- i) promote joint involvement in 'cross-boundary' Hearings
- ii) facilitate regular discussions with territorial and regional authorities in order to discuss cross-boundary issues
- iii) promote the development of joint strategies for such issues
- iv) promote the sharing of information between councils with respect to those matters.

Principal Reasons for Adopting: The resources of the coastal environment are managed by a range of different organisations. Where a proposal to use, develop and/or protect the CMA is likely to impact across an administrative boundary, or where landward activities are likely to impact on the CMA, Environment Waikato will encourage the sharing of resources and the joint involvement in hearings affecting cross-boundary matters.

17.11.5 Consideration of the CMA

Environment Waikato will encourage territorial authorities, when preparing district plans and processing resource consents, to give consideration to:

- i) the interconnected nature of the coastal environment
- ii) the inter-relationships between natural and physical resources
- iii) the potential for adverse for effects to occur and
- iv) the range of social, cultural and economic values within the Region.

Principal Reasons for Adopting: Land-based activities (i.e. activities above Mean High Water Springs) have the potential to adversely affect the CMA. Territorial authorities are therefore encouraged to ensure flow-on effects, and the interconnected nature of the coastal environment, are recognised and provided for in a manner that facilitates the objectives and policies of the Plan.



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coastal@trc.govt.nz

18 April 2018

RE: SUBMISSION ON THE PROPOSED COASTAL PLAN FOR TARANAKI

Silver Fern Farms appreciates this opportunity to provide feedback on the Proposed Coastal Plan for Taranaki.

Silver Fern Farms Limited is the major meat processing company in New Zealand, with operations strategically spread throughout the country. Two of these operations are located in the Taranaki region, one near Waitotara and one in Hawera.

In addition, many of Silver Fern Farms suppliers, contracting companies, and farmers are based in the wider Taranaki region, and further afield, relying on Silver Fern Farms operations.

The key concern for Silver Fern Farms is that our Hawera operation discharges its wastewater to the South Taranaki District Council's, Hawera Wastewater Treatment Plant (HWWTP). The HWWTP discharges treated wastewater to the Tasman Sea via the Whareroa outfall under resource consent.

With no practicable alternatives for wastewater disposal at this time, security of operations at the Silver Fern Farms Hawera site are dependent on the continued operation of the HWWTP, including its discharge to the marine environment.

Feedback, containing matters of relevance to Silver Fern Farms, is provided in the attached completed pro-forma Submission Form.



If you wish to clarify any of the matters raised, or just wish to further discuss any of the points made, please do not hesitate to contact Alison Johnstone from our Group Environmental team by phone (027 496 6129) or email (alison.johnstone@silverfernfarms.co.nz).

Yours Sincerely,



Daryn Jemmett
Group Environmental Manager

c.c.

Scott Lamplough, Plant Manager
Ash Mackay, Regional Manager
Gary Williams, GM FQEA
Alison Johnstone, Environmental Advisor Planning



Page No.	Ref.	Support / Oppose	Comments	Decision Sought
28 Section 5.2.1	Policy 22	Support	<p>Policy that provides for the discharge of contaminants to coastal waters, where it is the most practicable option, is supported.</p> <p>Silver Fern Farms discharges wastewater to the South Taranaki District Council (STDC) Hawera Wastewater Treatment Plant (HWWTP), which is subsequently discharged via the Whareroa outfall to the Tasman sea. There is not currently a practicable alternative available. Therefore, Silver Fern Farms supports policy that provides for the discharges from the HWWTP to coastal waters.</p>	Retain policy that provides for the discharge of contaminants to coastal waters.
50	Rule 6	Support	<p>Silver Fern Farms discharges wastewater to the South Taranaki District Council (STDC) Hawera Wastewater Treatment Plant (HWWTP), which is subsequently discharged via the Whareroa outfall to the Tasman sea. There is not currently a practicable alternative available. Therefore, Silver Fern Farms supports the rule that provides for the discharges from the HWWTP to coastal waters.</p>	Retain rule that provides for the continuation of existing wastewater discharges to coastal waters.



Page No.	Ref.	Support / Oppose	Comments	Decision Sought
53	Rule 13	Support	<p>A “catch-all” rule for discharges that do not specifically meet conditions in other rules is supported.</p> <p>Operations and the subsequent wastewater generated and discharged can be unique, it is important to provide for these types of activities that are do not for with specific rules but are not contrary to supporting policies.</p>	Retain “catch-all” rule that provides for discharges to coastal waters not covered by other specific rules.



- A. I am in full support of the inclusion of ONC-6 'Project Reef' on page 129, Schedule 2 of the Draft Coastal Plan.

I would like to talk to my submission.

<https://www.trc.govt.nz/assets/Documents/Plans-policies/CoastalPlan/Proposed2018/PCP-Sched2.pdf>

- B. I have the following comments on the main body of the Draft Coastal Plan

<https://www.trc.govt.nz/assets/Documents/Plans-policies/CoastalPlan/Proposed2018/ProposedCoastalPlan-Feb2018-mainbody.pdf>

- 1. Policy 28 (a)-(d) Harmful aquatic organisms - makes no mention of ballast water.** A *potentially large scale operation* which might occur in the Taranaki territorial waters is iron-sand mining. Ballast water would be released as the ore is transferred to cape sized vessels. For the scale recently granted in the EEZ this would be 30 visits per year. Unlike most ballast water releases which occur in Port, ironsand mining would involve release in relatively shallow offshore waters. In South Taranaki there is an environment potentially conducive to larval and organism settlement – being that there is a large shallow shelf, with many reef structures extending up to 22km offshore.

The risk of offloading ballast water in productive shallow waters was recognised in Condition 46 (for a recent granting of consent to mine ironsand in the EEZ) – whereby no vessel is to offload ballast water in Admiralty Bay.

Up to 5.4 million tonnes of ballast water could be released each year, should a similar scale operation to that granted consent in the EEZ, occur in the territorial waters.

2. **48 (e)** Other possible rules and standards which might be relevant to include are:
 - A. Maritime New Zealand Marine Protection Rules (Part 300: Ballast Water Management)'.
 - B. Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand which comes into force on the 15th of May 2018.

With the *potential for ironsand mining in the territorial water*, there might also be some relevance in looking at the wording in the Conditions of Consent included in the recent granting to mine ironsand in the EEZ

- A. For example Condition 43 where it notes that the ballast water treatment system shall be in the MPI list of approved ballast water treatment systems, or an equivalent system approved by IMO.
- B. For example Condition 44 where it notes that all long term stay vessels, including but not limited to the IMV and Crawler and all vessels servicing the seabed extraction operation meet the 'Clean Hull' for 'long stay vessels' requirement specified by MPI.

- 3. Policy 30: Discharge of contaminants to air** There needs to be consideration as to whether this Policy would be adequate to address the Heavy Fuel Emissions resulting from any *potential ironsand mining* that might occur in the territorial waters.

In the case of a recent decision to grant consent to mine ironsand in the EEZ, Condition 42 states that all operational vessels shall have a sulphur content compliant with the IMO limit, or no greater than 3.5%, whichever is the lesser. Having regard to this, it might be appropriate for the Policy 30 to make reference to IMO limits for fuel used in ships. The materiality of emissions is likely to be significant should there be a similar scaled operation as to that granted in the EEZ. To give the scale of emissions some context – NZ domestic navigation uses p.a **24.85 thousand tonnes** of Heavy Fuel Oil, and TTRL projects **156 thousand tonnes** consumption p.a..

The Condition 42 was imposed on TTRL, despite the adoption of lower Sulphur emitting fuel options coming at a significant cost (tens of millions of dollars).

4. Policy 44: Extraction or deposition of material

In the context of TRC commissioned work by Cawthron Institute, which acknowledges ‘gaps in information’*, plus the fact that information on subtidal reefs (un-mapped) that have come to light through a recent EPA Hearing process – it is appropriate to acknowledge biodiversity ‘hot-spots’ such as **moderate to high relief reefs** known by the local community of divers and recreational fishermen. I have added in red to Policy 44, some additional words which I believe strengthen the Policy.

**In response to the gaps in information identified in this investigation, a second tier of this investigation could be implemented. It is recommended that this should utilize video sled and drop camera monitoring methods, ground-truthed with physical sampling. A particular focus would be on searching for the listed possible sensitive habitats and threatened/at-risk species in key habitat types throughout the north and south Taranaki biogenic regions.*

<https://www.trc.govt.nz/assets/Documents/Plans-policies/CoastalPlanReview/SensitiveHabitats.PDF>

The TRC in a February 2018, Section 32 Evaluation Report , on the Proposed Coastal Plan for Taranaki also noted gaps in identifying significant habitats in the marine environment (see extract below).



<https://www.trc.govt.nz/assets/Documents/Plans-policies/CoastalPlan/Proposed2018/Background/PCP-Sect32-w.pdf>

I have also added a reference to **geological features** which drive primary productivity – for example the recent EPA decision document, page 230 point 15 noted “the area of seabed receiving more than 1% of light is limited to only 1,494km² of the wider 13,300 km² SMD”. The area of 1,494km² is the Patea Shoals area – which according to the EPA decision document page 228, point 5 contains ‘ecological sensitive areas’ (ESA) and valued ecosystem components (VEC), and is a unique shallow geological feature that contributes significantly to benthic (seafloor) primary production in the STB.

Extraction of sand, shingle, shell and other natural material from the foreshore or seabed, or deposition of material on the foreshore or seabed, not provided for by Policies 39, 40, and 42 should:

be undertaken in an appropriate manner and location by having regard to the values and sensitivity of the environment potentially affected, and the degree and significance of effects;

generally not occur in coastal management areas – Outstanding Value, Estuaries Unmodified and Estuaries Modified;

generally not occur in close proximity to moderate to high relief offshore reefs;

have regard to unique geological features that drive benthic primary production in the STB

have regard to the surface area and volumes of material to be extracted or deposited over the duration of the activity, composition of the material and method of extraction or deposition, and the resulting effects on water quality sediment quality and ecology;

where applicable, have regard to the volumes of material to be extracted over the duration of the activity and where appropriate:

the natural rate of sediment being deposited over sediment lost from the area where extraction is proposed; and

the interaction of sediment within the extraction site with the nearshore littoral system;

use methods and engineering controls to minimise adverse effects on the form of the foreshore or seabed, and benthic communities adjacent to the area of extraction or deposition;

where applicable and appropriate, ensure that the deposited material is of a similar size, sorting and parent material as the receiving sediments; and

not be for the purpose of disposing spoil from land-based activities unless significant environmental benefit can be demonstrated.

5. Policy 49: Noise and vibration

The recent EPA decision included Condition 10, where it stated that there be 'no adverse effects at a population level' on blue whales, mammals in the threat classification, or on the IUC red list. As there is the *potential* for ironsand mining in the territorial waters, it would seem that the same precautionary principles applied by the EPA could be used by the TRC by including similar wording in the Policy.

- 6. 8.6.3 Noise.** The limits written in this section would not be able to be complied with should an operation the size of that which has recently been permitted in the EEZ, occur in the territorial waters. TTRL has under condition 11, page 283 of the decision document – noise limits that 'shall not exceed 130dB at 500m'. Under condition 12 'the crawler and IMN to achieve a total combined noise under full production of not more than 171dB at 1 metre. The joint experts recognising that levels used by NOAA are 120dB. <https://www.epa.govt.nz/assets/FileAPI/proposal/EEZ000011/Evidence/Effect-on-marine-mammals.pdf>

7. **Rule 10.** The existing wording would not cover an operation such as that recently granted consent for ironsand mining in the EEZ. The processing vessel is regarded as an installation for the most part – see the advice of Maritime NZ. Rule 10 needs to include wording so that this scenario would also be captured.

*Extract from Rule 10: Sampling, scraping and/or cleaning of biofouling from the part of a **ship, movable object or navigation aid** that is normally below the water surface, involving the discharge of a substance into water in the coastal marine*

<https://www.epa.govt.nz/assets/FileAPI/proposal/EEZ000011/External-advice-and-reports/Section-44-response-from-Maritime-New-Zealand.pdf>

The application of the MTA and marine protection rules generally distinguish between ships and offshore installations. Offshore installations are defined in the MTA as:

includes any artificial structure (including a floating structure other than a ship) used or intended to be used in or on, or anchored or attached to, the seabed for the purpose of the exploration for, or the exploitation or associated processing of, any mineral; but does not include a pipeline. In the offshore sector many mobile units such as semi-submersible rigs and drill ships may, at different times, be regulated as a ship or as an installation under the MTA and marine protection rules.

Broadly speaking, once a vessel becomes attached to the seabed within New Zealand's EEZ or continental shelf for the purpose of exploration or exploitation activities, it is treated as an installation under the MTA. It must then comply with any requirements that apply to offshore installations under the MTA and marine protection rules. The same distinction is made by MNZ in respect of the HSWA designation.

As MNZ understands the proposed TTRL operation, the integrated mining vessel ("IMV") would be predominantly an installation when it is mining and reverting to a ship when manoeuvring from one mining block to the next.

8. 6.4 Natural heritage The sentence about the GIS databases states ‘coastal sites’ – but the Coastal Plan definitions don’t define ‘coastal sites’. For clarity the use of ‘coastal marine area’ would be more accurate. To me ‘coastal sites’ seem to indicate closer to shore. Use of the words ‘coastal marine area’ clearly includes offshore coastal reefs
- Maintain and update GIS **databases** of all known ~~coastal sites~~ coastal marine areas with regionally significant values that identify their values, including the presence of any threatened or regionally distinctive species and sites of high cultural, spiritual and historical significance.*

Your name

Richard J Guy

Organisation (if applicable)

South Taranaki Underwater Club

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Daytime phone number

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Email address

rj.bj.guy@xtra.co.nz

Could you gain an advantage in trade competition through this submission?

No

Do you wish to be heard in support of your application?

No

Your submission on the Proposed Plan

I wish to support the inclusion of ONC-6 'Project Reef' on page 129, schedule 2 of the Draft Coastal Plan.

The South Taranaki Underwater Club is involved in a long term scientific study of reef systems within the South Taranaki Bight with the aim of highlighting the diverse marine ecosystem to the community. We thank Taranaki Regional Council for supporting our endeavor.

Your comment on documents incorporated by reference in the Proposed Plan, as detailed in Schedule 9 (comment optional)

Document/file 1

Document/file 2

Document/file 3

Document/file 4

Your name

Bruce Boyd

Organisation (if applicable)

Project Reef Life & South Taranaki Underwater Club

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02102761723

Email address

boydsnest2@gmail.com

Could you gain an advantage in trade competition through this submission?

No

Do you wish to be heard in support of your application?

No

Your submission on the Proposed Plan

I am in full support of the inclusion of ONC-6 'Project Reef' on page 129, Schedule 2 of the Draft Coastal Plan.

Your comment on documents incorporated by reference in the Proposed Plan, as detailed in Schedule 9 (comment optional)

Document/file 1

Document/file 2

Document/file 3

Document/file 4

Form 5

Submission on publicly notified proposal for policy statement or plan, change or variation Clause 6 of Schedule 1, Resource Management Act 1991

To: Taranaki Regional Council
Private Bag 713
Stratford 4352

[Uploaded via online feedback form <https://www.trc.govt.nz/council/plans-and-reports/strategy-policy-and-plans/regional-coastal-plan/proposed-coastal-plan-feedback-form/>]

Name of submitter: Chorus New Zealand Limited
PO Box 6640
Auckland 1141

This is a submission on the following proposed plan: Proposed Coastal Plan for Taranaki

Chorus New Zealand Limited, Vodafone New Zealand Limited and Spark New Zealand Trading Limited have lodged individual but identical submissions to the Proposed Coastal Plan for Taranaki. While individual submissions have been lodged, the submitters intend preparing and presenting a joint case.

Chorus New Zealand Limited could not gain an advantage in trade competition through this submission.

Chorus New Zealand Limited welcomes the opportunity to make a submission on the Proposed Coastal Plan for Taranaki. In general, Chorus New Zealand Limited is supportive of the Proposed Plan. However there are some matters for which amendment is sought to prior to Proposed Plan being made operative.

Submarine cables provide crucial diversity and resilience for domestic communications around New Zealand. Chorus New Zealand Limited worked alongside Spark New Zealand Trading Limited and Vodafone New Zealand Limited to establish a shared solution via Vodafone New Zealand Limited's Aqualink Cable (which passes through the Taranaki Coastal Marine Area) to quickly restore telecommunications to Kaikoura when the fibre line that typically serves that area was broken during the 2016 earthquake. The companies work together and lease capacity on different submarine cables, and as such, protecting the integrity of submarine telecommunication cables is of paramount importance to all three companies, regardless of who the asset owner is.

The purpose of the Resource Management Act 1991, as embodied in section 5, is promotion of the sustainable management of natural and physical resources. Telecommunications infrastructure is a significant physical resource, and the safe, reliable and efficient functioning of the network is vital for the regional economy and is in the public interest (both in terms of allowing people and communities to provide for their "wellbeing", and also for assisting to ensure their "health and safety").

The specific provisions of the proposal that the submission relates to, the submission points, reasons and decisions sought are detailed in the attached table.

Chorus New Zealand Limited wishes to be heard in support of its submission. Chorus New Zealand Limited will present a joint case with Vodafone New Zealand Limited and Spark New Zealand Trading Limited at any hearing. If others make a similar submission, Chorus New Zealand Limited will consider presenting a joint case with them at a hearing.



Signed:
Andrew Kantor, Environmental Planner and RMA Advisor
Chorus New Zealand Limited

27 April 2018

Address for Service:

Chorus New Zealand Limited
C/- Incite
P O Box 2058
Wellington 6140

Contact Details:

Attention: Tom Anderson
Telephone: 04 801 6862 or 027 231 0246
E-mail: tom@incite.co.nz

Proposed text is in **bold and underlined** and text requested to be deleted is in ~~strikethrough~~.

Specific provision this submission relates to	Support/Oppose/Amendment	Reasons for submission	Relief sought
Section 4: Objectives			
<i>Objective 2: Appropriate use and development</i>	Support	The placement of telecommunications infrastructure, and in particular submarine cables, in the coastal marine and coastal area is an appropriate use of those spaces, and this is recognised in Objective 2.	Retain Objective 2 as notified.
<i>Objective 3: Reverse sensitivity</i>	Support	An objective highlighting reverse sensitivity effects on the use and ongoing operation of nationally and regionally important infrastructure and other lawfully established activities from new or inappropriate use and development in the coastal environment is supported	Retain Objective 3 as notified.
Section 5: Policies			
<i>Policy 2: Integrated management</i>	Support	A policy which provides for the integrated management of the coastal environment, and in particular highlights social and cultural well-being of the community alongside the functional and/or location constraints of nationally or regionally important infrastructure is supported.	Retain Policy 2 as notified.
<i>Policy 5: Appropriate use and development of the coastal environment</i>	Support	As for the support for Objective 2, telecommunications infrastructure, in particular submarine cables, is an appropriate use in the coastal environment. The functional need for such infrastructure is determined by the social and economic demands of a community to be connected to modern day telecommunications, and through the island nature of the country. As such, Policy 5 is supported.	Retain Policy 5 as notified.
<i>Policy 7: Impacts on established operations and activities</i>	Support	As per the support for Objective 3, Policy 7 is supported as it provides a framework for the management of reverse sensitivity impacts.	Retain Policy 7 as notified.
<i>Policy 31: Structures that support safe public access and use, or public or environmental benefit</i>	Support	Telecommunications infrastructure, including such infrastructure which has a functional need to be located in the coastal marine or coastal area, has a clear public benefit, in that it allows modern societies to remain connected. Policy 31 specifically states that in appropriate locations and subject to the appropriate management of adverse effects, structures providing for the efficient operation of nationally and regionally important infrastructure will be allowed. This is supported from a telecommunications perspective.	Retain Policy 31 as notified.
<i>Policy 32: Placement of structures</i>	Support	As has been stated for Policy 5, there is a functional need for some telecommunications infrastructure to be placed in the coastal marine and coastal areas. This is provided for through Policy 32, with appropriate controls to manage effects, avoid duplication of structures and avoid identified areas for protection. This is supported from a telecommunications perspective.	Retain Policy 32 as notified.
<i>Policy 36: Maintenance, repair, replacement and minor upgrading of existing structures</i>	Support	From time to time, telecommunications infrastructure in the coastal marine and coastal environment requires maintenance, repair, replacement and minor upgrading. This is provided for through Policy 36.	Retain Policy 36 as notified.
<i>Policy 37: Alteration or extension of existing structures</i>	Support	Given changing demand and technologies, telecommunication infrastructure can require alteration or extension. This is provided for through Policy 37, which also provides for both positive and adverse effects management. This is supported.	Retain Policy 37 as notified.
<i>Policy 38: Removal of coastal structures</i>	Support	Policy 38 strongly encourages the decommissioning and removal of any existing structures in the coastal marine area at the end of their useful lives, unless certain circumstances exist, one of which being that the removal of the structure would cause greater adverse effects on the environment than leaving it in place.	Retain Policy 38 as notified.

Specific provision this submission relates to	Support/Oppose/Amendment	Reasons for submission	Relief sought
		This approach generally aligns with the management of decommissioned telecommunications infrastructure in the environment, and as such the approach outlined in the policy is supported.	
<i>Policy 42: Disturbance of the foreshore or seabed</i>	Support	Typically when telecommunications infrastructure is placed, maintained or upgraded in the coastal marine or coastal areas, the area disturbed will be appropriately managed in line with what is outlined in Policy 42. As such this policy is supported.	Retain Policy 42 as notified.
Section 8: Regional Rules			
Rule 22 Network utility structure erection or placement where the structure is : <i>(d) a communication or electricity cable that is buried or attached to a bridge, access structure or pole;</i>	Amendment	The intent of Rule 22 is supported, in that Controlled Activity status for the placement of new network utility structures in the coastal marine and coastal areas is appropriate. However, sub clause (d) requires a communication cable to be buried or attached to a bridge, access structure or pole. While in some instances telecommunication cables are buried (through either a mole plough, directional drilling, trenching, jet burying, a chain trench, or separate combinations of those), there are other instances where cables are simply laid on the seafloor, and left to natural processes to bury them at a shallow depth. The environmental effect of a cable laid on the seafloor is generally of a lesser degree than the aforementioned burying techniques, however laying a cable on the seafloor is not provided for under Rule 22 as a Controlled Activity, and as such becomes either a Discretionary or Non Complying Activity under Rules 33 and 34 respectively. Given the minimal environmental effects which arise from a seafloor laid cable, it is requested that this activity be included in sub clause (d) to Rule 22.	Amend Rule 22 as follows: Rule 22 Network utility structure erection or placement in the Estuaries Unmodified, Estuaries Modified, Open Coast or Port Coastal Management Areas where the structure is : <i>(d) a communication or electricity cable that is <u>either buried, laid on the seabed or foreshore</u>, or attached to a bridge, access structure or pole;</i>
Rule 38 Existing lawfully established structure removal and replacement	Amendment	Like with Rule 22, the intent of Rule 38 is supported. However, there are issues with Standards/Terms/Conditions (f) and (g). Standard/Term/Condition (f) requires that “ <i>the replacement structure is built in the same location as the original structure</i> ”. This is unworkable. Typically, the telecommunications infrastructure which is being replaced needs to remain operational until the replacement structure is commissioned. As such, while it is possible to locate the replacement structure in a close proximity to the original structure, it is impossible to locate the replacement structure in the same location as the original structure. Consequently, an amendment is sought to the rule. There are two options for this amendment. One is simply to add the words “or similar” between the words “same” and “location” within the rule. However this does not provide the absolute clarity and measureable parameters which are necessary for permitted activity rules. It should be noted that if a cable replacement was undertaken in accordance with the standards as notified (i.e. telecommunications infrastructure was decommissioned, removed, and then the replacement structure is placed in the same location), the same methodologies would need to be used, as natural processes occurring between the removal of the old structure and installation of the replacement structure would mean that the space within which the old structure was located would be filled in. Consequently, the environmental disruption of replacing a structure in the same location, or in a similar location, are no different. The other option is more specific to submarine cables, which are typically the type of telecommunication infrastructure which is located in the coastal marine or coastal area. This option provides for a specific parameters in which replacement cables are to be located. These parameters have been determined from the recommendations made in	Either amend Rule 38 as follows: Rule 38 Existing lawfully established structure removal and replacement: ... <i>The Standards/Terms/Conditions are as follows</i> <i>(f) the replacement structure is built in the same <u>or similar</u> location as the original structure;</i> <i>(g) the existing structure is removed completely with no waste being placed into the coastal marine area, <u>unless the removal of the structure is considered by a Suitably Experienced and Qualified Coastal Professional, in collaboration with the Regional Council, to have greater adverse effects on the environment than leaving it in place;</u></i> OR amend Rule 38 as follows: Rule 38 Existing lawfully established structure removal and replacement: ... <i>The Standards/Terms/Conditions are as follows</i> <i>(f) the replacement structure, <u>except for submarine cables or lines</u>, is built in the same location as the original structure. <u>A replacement submarine cable or line must be laid or suspended within a horizontal distance of no more than three times the depth of water from the cable or line which is being replaced.</u></i> <i>(g) the existing structure is removed completely with no waste being placed into the coastal marine area, <u>unless the removal of the structure is considered by an independent suitably qualified and experienced coastal practitioner, to have greater adverse effects on the environment than leaving it in place. The reasoning for this must be provided to Taranaki Regional Council;</u></i> <i>A replacement cable or line must be laid or suspended in the same location</i>

Specific provision this submission relates to	Support/Oppose/Amendment	Reasons for submission	Relief sought
		<p>the International Cable Protection Committee (ICPC) <i>Recommendation No. 2 – Recommended Routing and Reporting Criteria for Cables in Proximity to Others</i> (attached as Appendix 1). In lieu of any other national or international guidance or standards being available to set parameters, the ICPC recommendations are considered by the industry as a de facto standard.</p> <p>ICPC Recommendation No. 2 does not set a specific distance that a replacement cable should be from an existing cable. Rather, the “<i>Cable Routing and Reporting Criteria</i>” in Section 2.9 (Cable Parallels) of the recommendation provides horizontal separation distance guidance based on depth of water. The desired separation distance where in service cables are parallel to one another is three times the depth of water, although this can be reduced to two times the depth of water in some instances.</p> <p>The reasoning for the separation distances is two-fold. The first matter is in regard to the safe removal of decommissioned cables. Essentially, the technique employed to remove a decommissioned cable is by a hook/anchor type tool dropped from a barge above and is moved through the seabed where the cable is until the cable is snagged, and it is then winched up on to the barge. Sufficient space is required between cables (including a replacement cable which has taken over servicing an area from the cable which is being removed), to ensure that the operative cable is not disrupted when the disused cable is removed.</p> <p>The second matter relates to the first, and that is that after a cable is laid, it can be moved by the coastal process (wave and tidal action), as well as other events such as earthquakes. Consequently, the exact location of a decommissioned cable is not necessarily known when it comes to removing it, and as such sufficient separation is needed between cables to ensure the correct cable is ‘snagged’ when hauling a disused cable from the environment.</p> <p>Consequently the second option for the recommended relief sought for Standard/ Term/Condition (f) directly corresponds to the ICPC recommendations.</p> <p>Standard/Term/Condition (g) requires that “<i>the existing structure is removed completely with no waste being placed into the coastal marine area</i>”. As is recognised through Policy 38, complete removal of an existing structure does not necessarily give rise to reduced environmental effects. Allowance should be made for these situations within the rule framework. An independent suitably qualified and experienced coastal practitioner should be able to make a determination that the environmental effect of removing a structure will be greater than leaving it in situ. This takes away any potential bias from the structure owner, and will give rise to environmental effects which have a lesser degree than what the permitted standard allows.</p>	
Definitions and Acronyms			
Network utility	Support	The definition refers back to Section 166 of the Resource Management Act 1991. Telecommunication and radiocommunication network operators are clearly provided for under that section, and as such this definition is supported.	Retain the definition of Network Utility as notified.
Regionally important infrastructure means infrastructure of regional and/or national importance and is:	Amendment	Sub clauses (h) and (i) to the definition of Regionally Important Infrastructure (RII) refer to <i>strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001 and strategic radio communications facilities as defined in section 2(1) of the Radio Communications Act 1989</i> . There is no definition of “strategic telecommunication /radiocommunication facility” in either the Telecommunications Act or the Radiocommunications Act. Consequently the definition	Preferably, amend the definition of Regionally Important Infrastructure so that it refers only to Infrastructure: Regionally important infrastructure means infrastructure of regional and/or national importance and is includes: (a) Port Taranaki and its approaches and on-going development to meet changing operational needs;

Specific provision this submission relates to	Support/Oppose/Amendment	Reasons for submission	Relief sought
<p>(h) <i>strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001;</i></p> <p>(i) <i>strategic radio communications facilities as defined in section 2(1) of the Radio Communications Act 1989;</i></p>		<p>of RII as notified creates confusion and uncertainty, particularly generated by the reference to “strategic telecommunication /radiocommunication facility”, with no direction provided as to what this encompasses, and through the lack of recognition that telecommunication and radiocommunication facilities are interlinked, and as a whole they are essential to the region in terms of their economic and social benefits, as well as being critical in times of emergency and disaster (as opposed to having elements which are “strategic” and elements which are not.</p> <p>Further, in a more generic sense, specifically providing only for RII, and therefore not allowing other ‘lesser’ infrastructure not to benefit from the policy framework that is attributed to RII is unnecessary. All infrastructure is essential, and this should be recognised in the Plan text. A simpler solution is to remove any reference through the plan to RII (or to infrastructure of a regional and/or national importance) and replace it simply with the word ‘infrastructure’ and accordingly have a definition of that term. On this matter, Spark and Chorus have both been involved in assisting the Ministry for the Environment with the National Planning Standards (NPS) process. This process has been legislated for in the Resource Legislation Amendment Act 2017, and as such form new sections 58B to 58J of the Resource Management Act 1991. Part of the NPS work stream includes progressing a number of key definitions and is following the approach taken by the Auckland Unitary Plan, which has departed from the premise of ‘Regionally Important Infrastructure’ and instead simply recognises ‘infrastructure’. Alignment with this approach is encouraged for the Taranaki Coastal Plan.</p>	<p>(b) <i>facilities and arterial pipelines for the supply or distribution of minerals including oil and gas and their derivatives;</i></p> <p>(c) <i>the national electricity grid, as defined by the Electricity Industry Act 2010;</i></p> <p>(d) <i>facilities for the generation and/or transmission of electricity where it is supplied to the national electricity grid and/or the local electricity distribution network, including supply within the local electricity distribution network;</i></p> <p>(e) <i>defence facilities;</i></p> <p>(f) <i>flood protection works;</i></p> <p>(g) <i>infrastructure associated with the safe and efficient operation of state highways and the rail network;</i></p> <p>(h) strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001;</p> <p>(i) strategic radiocommunications facilities as defined in section 2(1) of the Radio Communications Act 1989;</p> <p>(j) <i>New Plymouth airport, including flight paths;</i></p> <p>(k) <i>arterial pipelines and pumping stations for the distribution of potable water and water treatment plants; and</i></p> <p>(l) <i>arterial pipelines and pumping stations for the collection of wastewater and stormwater, and wastewater treatment plants</i></p> <p>OR amend the definition of Regionally Important Infrastructure as follows: Regionally important infrastructure means infrastructure of regional and/or national importance and is:</p> <p>(h) strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001;</p> <p>(i) strategic radiocommunications facilities as defined in section 2(1) of the Radio Communications Act 1989;</p>

Appendix 1:

International Cable Protection Committee Recommendation No. 2 – Recommended Routing and Reporting Criteria for Cables in Proximity to Others



ICPC Recommendation

Recommendation No. 2

Recommended Routing and Reporting Criteria for Cables in Proximity to Others

Note: The presence of a Suffix letter after the Issue number indicates inclusion of updated peripheral information that does not change the wording of this Recommendation.

Contact for Enquiries and Proposed Changes

If you have any questions regarding this document or suggestions for improving it, please send an email to the ICPC's general.manager@iscpc.org

Suggested Citation

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Available by request at www.iscpc.org or secretariat@iscpc.org

DISCLAIMER

An International Cable Protection Committee Ltd ("ICPC") Recommendation ("Recommendation") implies a consensus of those substantially concerned with its scope and provisions. A Recommendation is intended as a guide to aid cable owners and other seabed users in promoting the highest goals of reliability and safety in the submarine cable environment. The existence of a Recommendation does not in any respect preclude anyone, whether he has approved the Recommendation or not, from laying or repairing undersea cables or employing procedures to these ends which may be required by the ordinary practice of seamanship or by the special circumstances of each case, but which may not be conforming to the Recommendation.

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NB: ICPC Recommendations are subject to periodic review and users are cautioned to obtain the latest issues. This Recommendation may be revised or withdrawn at any time without further notice to the recipient.

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PREAMBLE

The purpose of this recommendation is to assist cable owners and those planning submarine cable systems that cross or are in close proximity to existing in-service cables. Owners of existing cables which may be crossed by a planned cable should also find assistance from this recommendation in reaching agreement on the manner of any proposed crossing or close approach by a new cable system.

The recommendations are based on best practice/worst case scenarios and, given the proliferation of modern cables, it is unlikely that many proposed crossings will meet all, or even most of the criteria.

Nonetheless, the recommendation should be used as a guideline to enable the two cables' owners to reach a compromise over the planned crossing, acceptable to both parties. Ultimately, the objective is to allow each cable to share the seabed without significant impact to future maintenance of either cable.

1. INTRODUCTION

This Recommendation provides generalised cable routing and notification criteria that the ICPC recommends be used when undertaking cable route planning activities where the cable to be installed crosses, approaches close to or parallels an existing or planned system.

The criteria set out in the following paragraphs are designed to specifically apply to submarine telecommunication cables. For information on crossing power cables and pipelines, see ICPC Recommendation No. 3.

2. CABLE ROUTE SELECTION DATA

2.1 General

The minimum requirements for cable routing are embodied in the United Nations Convention on the Law of the Sea (UNCLOS) Articles 51, 58, 79, and 114. It is necessary to give due regard to cables or pipelines already in position. In particular, possibilities of repairing existing cables or pipelines shall not be prejudiced.

The routing of a cable depends on a number of factors, including the end points to be connected, seabed characteristics, risks of cable damage, water depths, the routes and characteristics of cables already in place. Cable routing guidelines to strive for under ideal conditions are suggested below. It must be noted that in practice, a number of factors particular to any given cable installation may prevent adherence to certain of these guidelines. In areas of dense cable congestion, it will not be possible to meet these guidelines; therefore a compromise must be agreed between each cable owner.

The routes of new cables should be selected so as to avoid crossings of other cables, in particular existing in service cables, whenever feasible. Crossings of two or more cables, which would create a close spaced triangle or matrix, or other situation which prejudices the repair of existing cables should be avoided if possible. Where this is not possible, then consideration should be given to Section 2.12 of this recommendation.

Optimised cable crossing and parallel criteria would ideally consider such factors as water depth, cable maintenance and repair, accuracy of the navigational control methods used to identify the locations of existing cables, and local legal and permitting requirements.

These factors, coupled with natural and cultural submarine obstructions, will all influence crossing angles and spacing. It is recommended that each crossing and parallel situation be examined on its own particular merits, with consideration for the prevailing environment and conditions.

2.2 Planning

When new systems are conceived, it is important that potential cable crossings are considered as early as possible in the planning process. Approaches should be made to other cable owners whose cables may be affected and information, including the positions of their submerged plant, sought from them. In cases where two or more new systems are being planned and installed in the same time frame, it may be appropriate to also approach the system supplier responsible for the routing and installation. The protocol in such cases should be agreed between the purchaser and supply contractor. Communication between the two supply contractors during installation is critical so the installation timing and location is known.

In areas where cables must through necessity closely approach others, for example at existing cable landing points, it is recommended that Maintenance Authorities of cables in close proximity are consulted in order to ascertain the most up to date Cable Route Position Lists (RPLs) including any adjustments for cable maintenance operations. An exchange of route information from both the existing and planned cable should confirm if indeed no crossings are required and help prevent unforeseen interaction between cables.

Those planning a new cable should consider providing ICPC with basic cable routing and landing details for dissemination to its members. This action will raise awareness and allow other members to alert the presence of in service cables in the same vicinity.

NB: Failure to relate the positions of repeaters in other systems to the positions of repeaters in the system being planned may result in problems with recovery of repeaters during repairs later in the lives of either system.

2.3 Crossing Agreements

The early stages of the Route Engineering process will identify existing and planned cables that the new system will closely approach or cross. Early consultation should take place with the Maintenance Authorities of these other cables in order to reach an agreement on the position and manner of the crossing or close approach.

In most cases the cable owners should be able to come to an accord without a formal signed Crossing Agreement (which would contain liability and insurance provisions), this being effected by a simple exchange of correspondence covering the technical aspects of the proposed crossing, an 'agreement to cross'.

For such a simple 'agreement to cross', (which should not require a signature from either party), the Maintenance Authority for the crossing cable should forward to the Maintenance Authority for the crossed cable the following information:

- i) A Route Position List (RPL) covering the route of the cable for at least three times depth of water on both sides of the proposed crossing point

- ii) The information source for the crossed cable route (Admiralty Chart, 3rd party database name or RPL provenance)
- iii) Depth of water
- iv) Angle of cables crossing
- v) Cable armour type
- vi) Positions of any submarine plant within 3 x depth of water on both sides of the proposed crossing point.
- vii) Derivation of navigational data, including datums
- viii) Type of seabed in area of crossing
- ix) Burial information, if applicable, including the procedures to be followed by the Installer, when crossing the cable.

It is helpful to include the above information in a chartlet of the crossing area or close approach, showing both cables and any other points of interest. Consideration should be given to supplying a copy of the RPL for the whole of the particular segment of the system involved as this may serve to highlight areas where the cables are in close proximity away from the crossing point.

To aid this process ICPC have produced an agreement to cross notification template for the exchange of technical information (Attachment 1). The Maintenance Authority for the crossed cable should then review the information and respond on a timely basis to ensure that the crossing falls within the guidelines laid down by this procedure, or if that is not possible, that a compromise is reached which is acceptable to both parties.

Ultimately an 'agreement to cross' may not be achieved if both parties cannot reach an agreed compromise.

NB: The need for both parties to provide the fullest possible information to each other, as early as possible in the project timetable cannot be overstressed. Delay in forwarding the initial request will have a knock on effect, as will the failure to supply sufficient information for the other party to make an informed decision. Project timescales are becoming foreshortened and the fullest possible information, sent as early as possible, will help to ensure that crossing agreements can be concluded well in advance of the cable installation.

2.4 Cable Crossings

When crossings are unavoidable, they shall be made as near to a right angle (90 degrees) as possible. If a 90-degree crossing is not technically feasible then angles down to 45 degrees may be considered depending on the particular circumstances. It is highly recommended that crossing angles shallower than 45 degrees not be implemented in order to ensure operational and maintenance activities related to either cable are not compromised.

2.5 Cable Types

Cable types shall be chosen to avoid situations where armoured cables cross lightweight (LW) cables and vice versa due to the risk of abrasion.

Where it is proposed to install an armoured cable over an existing LW cable, special coverings shall be applied to armoured cables or special crossing methods implemented where this situation is deemed unavoidable.

Where it is proposed to install a LW cable over an existing armoured cable, a short length of armoured cable shall be inserted into the LW cable at the crossing point or special crossing methods implemented where this situation is deemed unavoidable.

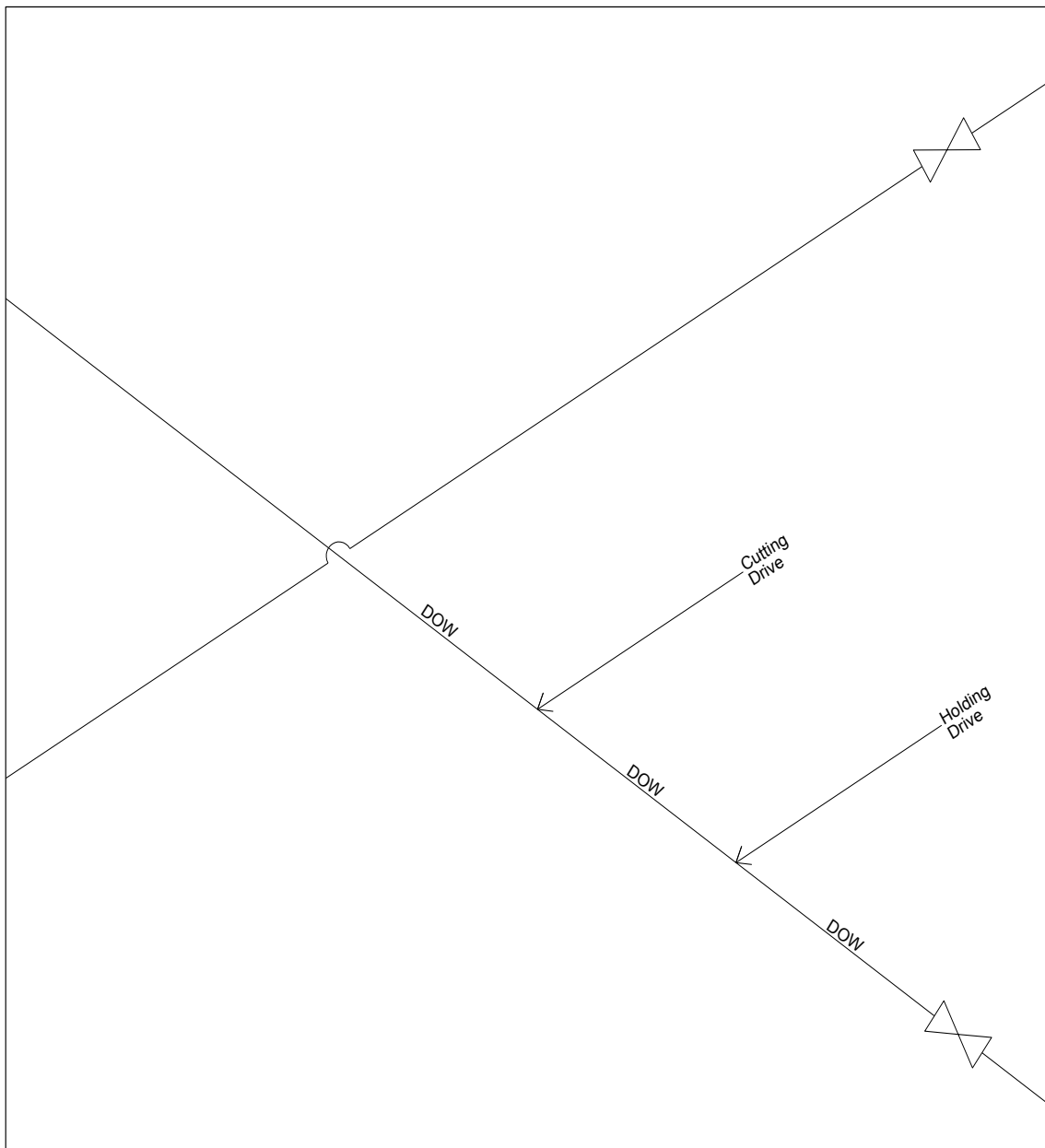
2.6 Repeaters

It is recommended that a clearance of at least three times the depth of water should be allowed between a crossing point and a repeater in the crossed system. The applicable depth of water being the crossing point or the repeater, whichever is the greater. This will ensure that the repeater can be recovered, without endangering the crossing cable, should the cable have been cut so close to the other end of the repeater that recovery from that end is not possible.

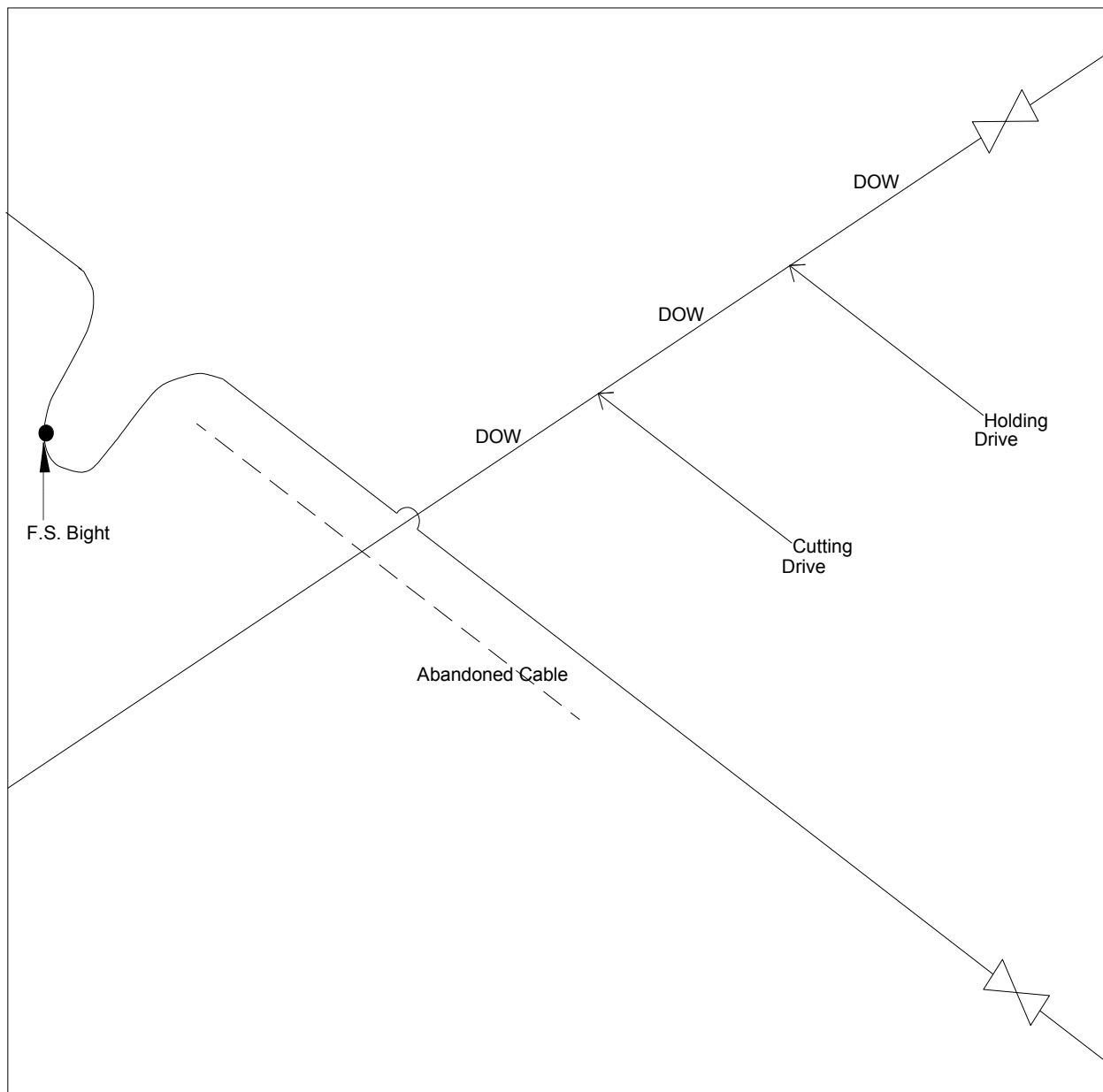
However, with the use of modern navigational equipment and lay/repair practices, these distances could be reduced to 2 times depth of water providing that two such crossings do not exist on either side of the repeater.

If a minimum of 2 times water depth cannot be maintained, then an alternative maintenance solution should be agreed between cable owners.

(See Diagram 1 on the following page)

Diagram 1

Similarly, a clearance of at least three times depth of water should be allowed between the crossing point and a repeater in the crossing system. This will ensure that, in the event of a repair to the crossed cable which results in that cable becoming the crossing cable, the repeater can be recovered should the cable have been cut close to the other end. (See diagram 2)

Diagram 2

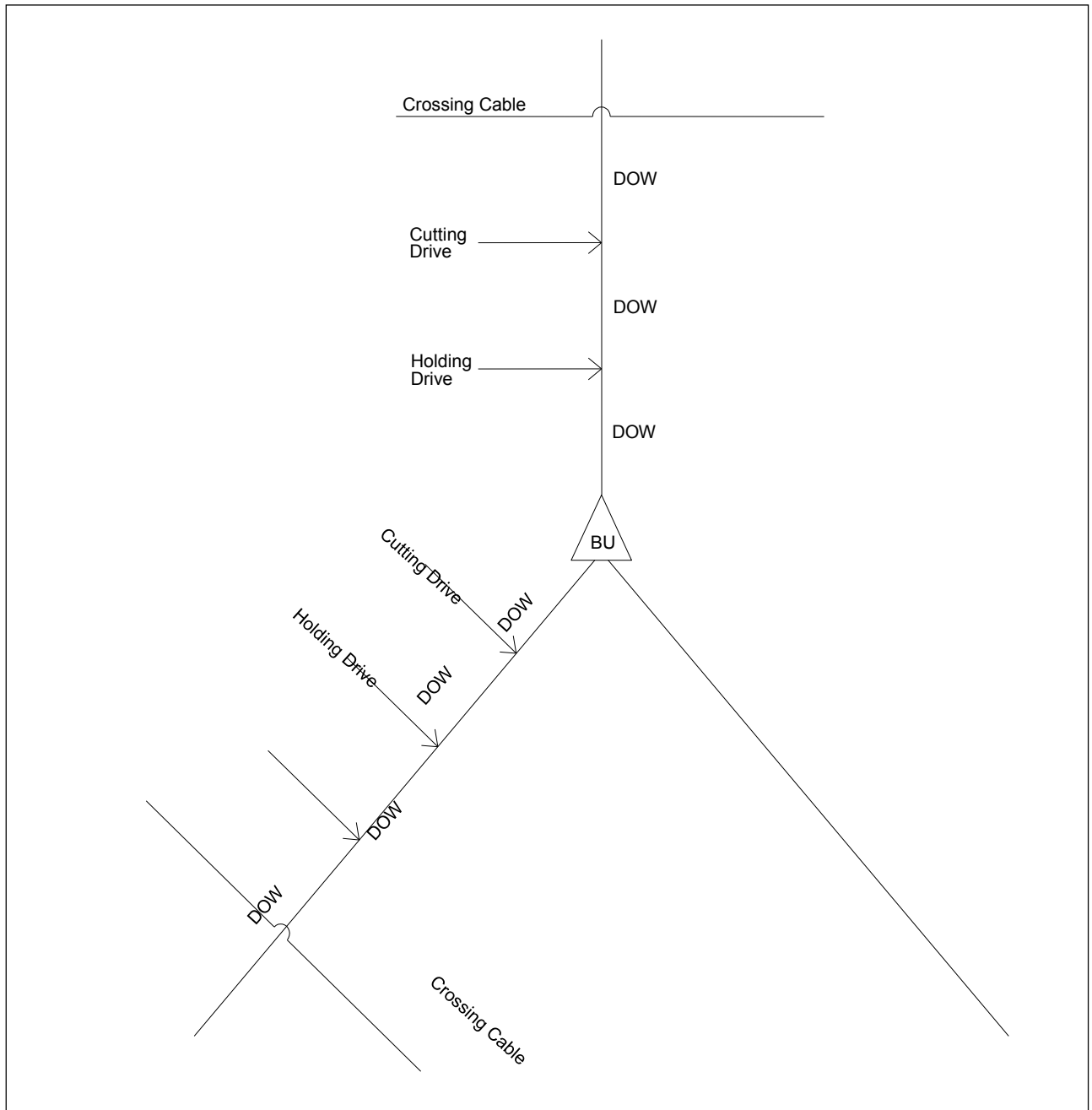
It should be noted that when repairs are carried out close to cable crossings, the planning process should ensure that the final splice is deployed well away from the crossing point and preferably in a direction away from the adjacent repeater, so that it least compromises future repairs in the same area. It should be recognised that practical operational considerations on the repair ground may mean the repair bight direction cannot always be laid away from the adjacent repeater.

It should also be noted that, whilst the clearance criteria of at least three times depth of water should be adequate in most circumstances, in very shallow water this may not be sufficient. For example, in 20m water depth grappling for the crossed cable only 60m from the crossing cable could result in that cable being disturbed: in this situation a clearance of a least 100m should be allowed.

2.7 Branching Units

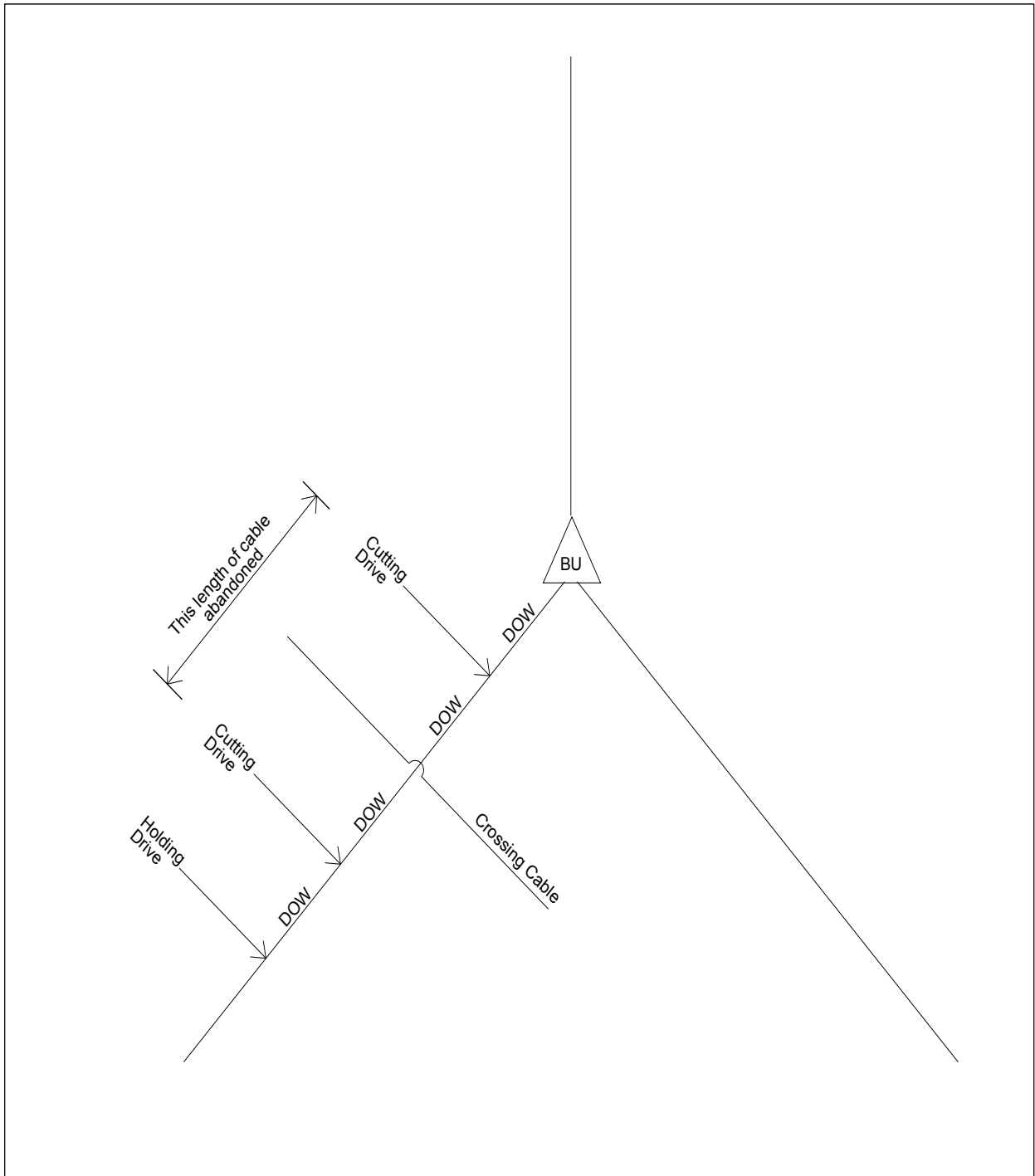
As with repeaters, a clearance of at least 3 times depth of water should be allowed along the main trunk of a branching unit to allow it to be recovered without endangering the crossing cable. The applicable depth of water being the crossing point or the branching unit, whichever is the greater. On the legs of a branching unit, the clearance recommended is 4 times depth of water. This is to allow room for a cutting drive followed by a holding drive to enable the legs to be buoyed off, whilst still keeping operations well clear of the crossing cable. (See diagram 3)

Diagram 3



Where other considerations are paramount, it is possible to cut down the clearance along the legs to twice depth of water, but if this is done then the cutting and buoys operation has to be undertaken outside the crossing point and in that case a length of cable equal to twice depth of water would have to be abandoned on each leg that was crossed. (See diagram 4)

Diagram 4



2.8 Burial Procedures

When it is necessary to cross a buried cable, then the following should apply.

The Maintenance Authority of the crossing cable should supply a copy of the procedures to be followed by its contractor during the crossing operation. This should include at least the following:

(i) Plough up/plough down positions.

These are conventionally 500m before and after the closest point of approach to the cable being crossed. In some circumstances it may be acceptable to reduce this clearance, following discussions with the Maintenance Authority of the crossed cable and the agreement of all parties involved in the installation process. For example the distance from plough up/plough down might be reduced for cables on the continental shelf where the route of the cable to be crossed has been positively identified and located during marine survey.

(ii) Plough position during the crossing.

The plough will normally be flown between the plough up and down positions, though the Maintenance Authority of the crossed cable may ask that the plough be on the deck of the installation ship at this time.

(iii) Post Lay Inspection

An ROV should inspect the crossing point to verify the position and ensure that the cable has been properly laid prior to any burial operations.

(iv) Post Lay Burial.

The cable between the plough up and plough down position will be buried by an ROV, either tracked or free-swimming. The procedure should detail how this will be done and how close the ROV will approach the cable.

If the crossed cable is not buried, permission may be sought to bury a short section at the crossing point, prior to burying the crossing cable.

If the crossed cable is buried, permission may be sought to bury the crossing cable to a shallower depth, leaving an agreed safety margin between the two cables so that there is no risk of the ROV fouling the lower cable.

Should burial not be possible at the crossing point, then cable protection by other methods, such as mattressing or rock dumping may be required.

After completion of the crossing operations, as-laid data should be provided to the owner of the crossed cable in the format and time frame agreed.

2.9 Cable Parallels

Where in service cables parallel one another, the distance between them shall be maintained at 3 times depth of water where possible. However, it is recognised that these separation distances may not be achievable in all circumstances when planning a cable and so the distances may be reduced. With the use of modern navigational equipment and lay/repair practices, these distances could be reduced to 2 times depth of water after consultation and agreement by all affected parties. In areas of high cable congestion, even a separation of 2 times water depth may not be achievable. In these cases, the

maintenance options for each cable should be assessed and agreed with each affected party.

In the case of multiple coastal or festoon type systems, the distance between parallel cables and the number of crossings shall not be ignored in order to reduce the system length. When close parallels are unavoidable because of routing constraints, the minimum spacing between parallel cables shall be determined after consultation with and agreement by all affected parties.

2.10 Shore-end Cables

Every endeavour shall be made to avoid unnecessary alter courses in the routing of shore-end cables. This approach will allow:

- a) The earliest possible launching of a cable plough, where the cable is to be buried into the seabed.
- b) Easier subsequent cable installations to be achieved without unnecessary cable crossings close to shore.
- c) Easier removal of the shore-end cable, should this be required for either permitting reasons or to allow a subsequent cable system to be installed, or for any other reason, after the cable system is withdrawn from service at the end of its service life.

2.11 Choke Points or Narrows

Where there is a feature, or series of features, which restricts the width of the corridor in which a cable must run, careful consideration shall be given to the positioning of the first and subsequent cables in order to maximise the utilisation of the available space.

The route chosen for the first and subsequent cables shall ensure that:

- a) A minimum number of cable crossings occur in the approach to, and departure from, a chokepoint or narrows.
- b) That the cables lie parallel to the maximum extent possible and the distance between cables is chosen with due regard to the installation of further cables through the same feature at some time in the future.
- c) The number of altercourse points shall be kept to a minimum.

2.12 Multiple Crossings

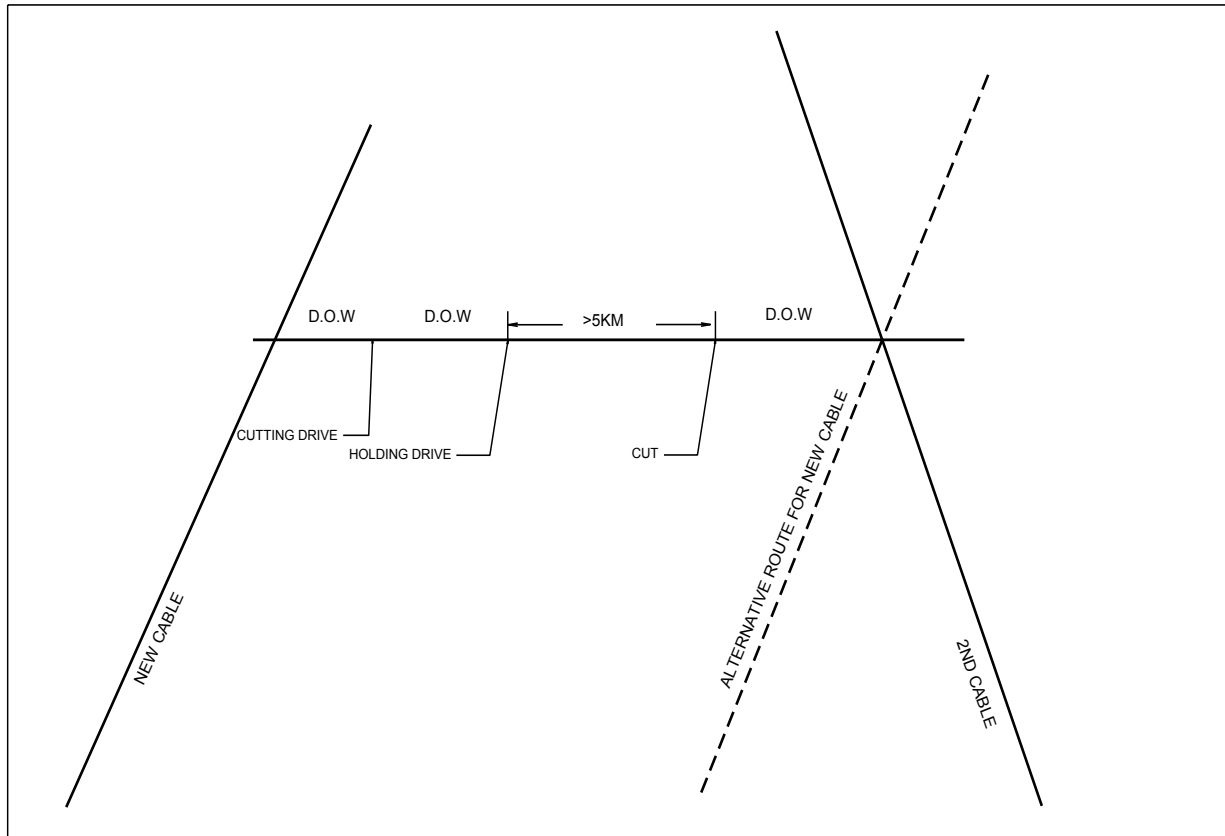
In deep water, crossings should be planned so that they are well away from existing cable crossings. However, where it is not possible to provide a sufficiently large separation, then it may be preferable to install the new cable over the existing crossing.

In the example below (see Diagram 5), a new cable is to be installed close to the crossing point of existing cables. If we assume 4,000m water depth throughout, and that generally in deep water the minimum cable length that can economically be recovered is 5 kms, it can be seen that the minimum clearance between the two cable-crossing points is 17kms. Anything less will effectively sterilise the cable between the two crossing points and render it unrecoverable.

In this case it would be preferable to install the new cable over the original crossing point.

Care should be taken when the original two cables cross at a relatively shallow angle as a third cable may make cable recovery close to the crossing point, during repairs, difficult: however even in this case, the cable unrecoverable at a multiple crossing may be less than would be so if the two crossings were separated.

Diagram 5



3. NOTIFICATIONS IN CONNECTION WITH NEW CABLE CONSTRUCTION OR REPAIRS

3.1. General

Advance notification of planned new cable routes, or repair operations, which will result in close parallels and/or crossings of existing cable routes, shall be made to the responsible Maintenance Authority for the existing cable system or to the Purchaser or Supply Contractor for cables in the process of being installed.

3.2. Contact List

A list, identifying maintenance or engineering contacts for every working cable system in the same general area as the new cable system, shall be established by the Maintenance Authorities of each of the cable systems. This list shall be periodically updated to reflect

current status and shall include telephone, facsimile and e-mail details of the nominated contacts. This list will be used to facilitate required notifications and to obtain existing cable positional data for use in new route planning.

3.3. Conflicts with Military and Government Cables

The organisation that has responsibility for planning the new cable system shall make all reasonable efforts to ensure the planned cable route does not conflict with military, government or any other submarine facilities. Additionally, consultation with other ICPC members that have cables in the area of planned installation could assist in locating appropriate military and government contacts.

3.4. Operational Notifications

The cable owner or Maintenance Authority will ensure that it is a requirement of the cable installation vessel or company to inform all relevant parties of the intention to cross 48 and 24 hours before the crossing and again 24 hours after the crossing.

4. REFERENCES

Document	Title
Submarine Cables: The Handbook of Law and Policy – Publishers: Martinus Hijoff (2014)	Chapter 11, Protecting Submarine Cables from Competing Uses

5. DEFINITIONS

The following words acronyms and abbreviations are referred to in this document.

Term	Definition
DoW	Depth of Water
FS	Final Splice
Maintenance Authority	The organisation responsible for the operation and maintenance of a particular submarine cable system
RPL	Route Position List
LW	Lightweight cable (unarmoured)
ROV	Remotely Operated Vehicle, an unmanned submersible robot

6. ATTACHMENTS

Document Number	Title
Recommendation No.2 Attachment No. 1.	ICPC Agreement to Cross Notification Template

ICPC Agreement to Cross Notification



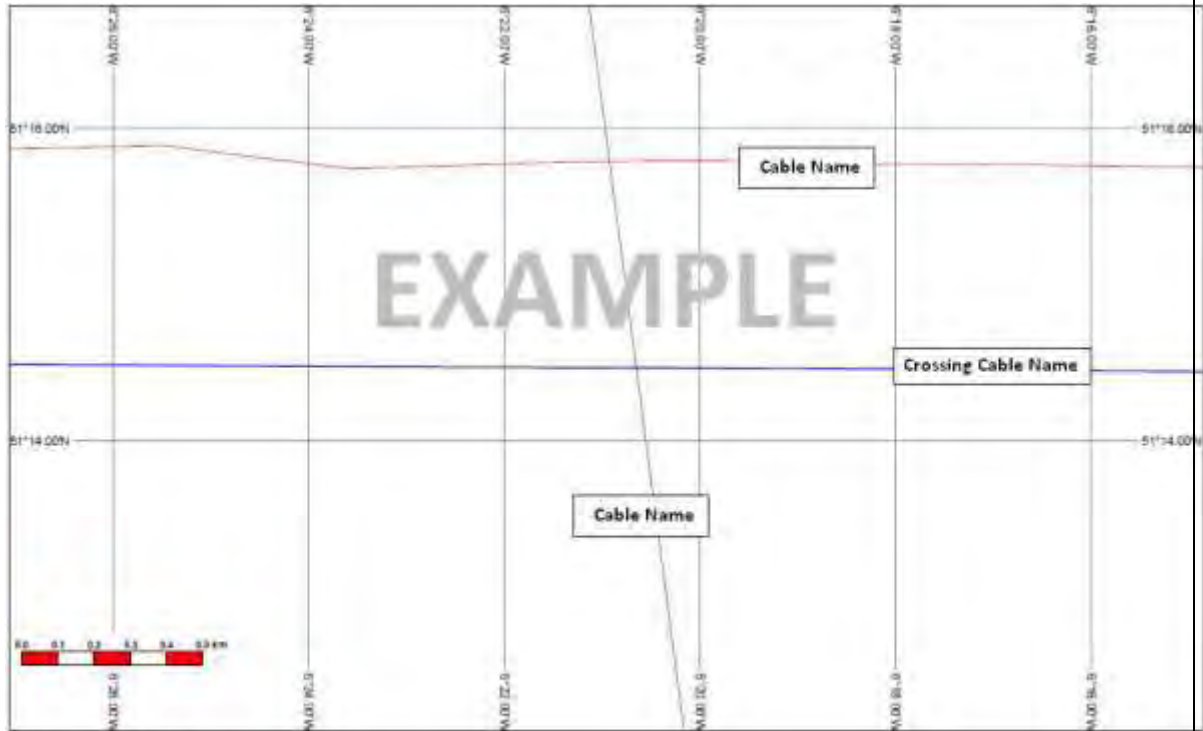
Planned Cable System Name: <i>(Name of new cable)</i>
Planned cable Owner: <i>(Company name and contact)</i>
Agreement to Cross Contact: <i>(cable owner or their agent, name contact details)</i>

ICPC Recommendation No2 Recommended Information Exchange

i)	Route Position List (RPL) for consideration: (either co-ordinate listing below or the name of a separate file attached)
ii)	Information Source for the crossed cable (Admiralty Chart, 3rd party database name or RPL provenance)
iii)	Depth of water at the crossing
iv)	Angle of cables crossing
v)	Cable armour type
vi)	Positions of any submarine plant within 3 x depth of water on both sides of the proposed crossing point.
vii)	Derivation of navigational data, including datums
viii)	Type of seabed in area of crossing

- ix) Burial information, if applicable, including the procedures to be followed by the Installer, when crossing the cable.

Crossing Chart



Min Angle: 82.13°
 Location: XX° 14.469' N ; XX° 20.648' W
 Water Depth: 103m
 Cable Type: Nexans Single Armour

Form 5

**Submission on publicly notified proposal for policy statement or plan, change or variation
Clause 6 of Schedule 1, Resource Management Act 1991**

To: Taranaki Regional Council
Private Bag 713
Stratford 4352

[Uploaded via online feedback form <https://www.trc.govt.nz/council/plans-and-reports/strategy-policy-and-plans/regional-coastal-plan/proposed-coastal-plan-feedback-form/>]

Name of submitter: Spark New Zealand Trading Limited
Private Bag 92028
Auckland 1010

This is a submission on the following proposed plan: **Proposed Coastal Plan for Taranaki**

Spark New Zealand Trading Limited, Chorus New Zealand Limited and Vodafone New Zealand Limited have lodged individual but identical submissions to the Proposed Coastal Plan for Taranaki. While individual submissions have been lodged, the submitters intend preparing and presenting a joint case.

Spark New Zealand Trading Limited could not gain an advantage in trade competition through this submission.

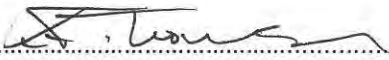
Spark New Zealand Trading Limited welcomes the opportunity to make a submission on the Proposed Coastal Plan for Taranaki. In general, Spark New Zealand Trading Limited is supportive of the Proposed Plan. However there are some matters for which amendment is sought to prior to Proposed Plan being made operative.

Submarine cables provide crucial diversity and resilience for domestic communications around New Zealand. Spark New Zealand Trading Limited worked alongside Chorus New Zealand Limited and Vodafone New Zealand Limited to establish a shared solution via Vodafone New Zealand Limited's Aqualink Cable (which passes through the Taranaki Coastal Marine Area) to quickly restore telecommunications to Kaikoura when the fibre line that typically serves that area was broken during the 2016 earthquake. The companies work together and lease capacity on different submarine cables, and as such, protecting the integrity of submarine telecommunication cables is of paramount importance to all three companies, regardless of who the asset owner is.

The purpose of the Resource Management Act 1991, as embodied in section 5, is promotion of the sustainable management of natural and physical resources. Telecommunications infrastructure is a significant physical resource, and the safe, reliable and efficient functioning of the network is vital for the regional economy and is in the public interest (both in terms of allowing people and communities to provide for their "wellbeing", and also for assisting to ensure their "health and safety").

The specific provisions of the proposal that the submission relates to, the submission points, reasons and decisions sought are detailed in the attached table.

Spark New Zealand Trading Limited wishes to be heard in support of its submission. Spark New Zealand Trading Limited will present a joint case with Vodafone New Zealand Limited and Chorus New Zealand Limited at any hearing. If others make a similar submission, Spark New Zealand Trading Limited will consider presenting a joint case with them at a hearing.

Signed: 

Kenny Thomson, Head of RAN
Spark New Zealand Trading Limited

23 April 2018

Address for Service:

Spark New Zealand Trading Limited
C/- Incite
P O Box 2058
Wellington 6140

Contact Details:

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Incite

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E-mail: tom@incite.co.nz

Proposed text is in **bold and underlined** and text requested to be deleted is in ~~strikethrough~~.

Specific provision this submission relates to	Support/Oppose/Amendment	Reasons for submission	Relief sought
Section 4: Objectives			
<i>Objective 2: Appropriate use and development</i>	Support	The placement of telecommunications infrastructure, and in particular submarine cables, in the coastal marine and coastal area is an appropriate use of those spaces, and this is recognised in Objective 2.	Retain Objective 2 as notified.
<i>Objective 3: Reverse sensitivity</i>	Support	An objective highlighting reverse sensitivity effects on the use and ongoing operation of nationally and regionally important infrastructure and other lawfully established activities from new or inappropriate use and development in the coastal environment is supported	Retain Objective 3 as notified.
Section 5: Policies			
<i>Policy 2: Integrated management</i>	Support	A policy which provides for the integrated management of the coastal environment, and in particular highlights social and cultural well-being of the community alongside the functional and/or location constraints of nationally or regionally important infrastructure is supported.	Retain Policy 2 as notified.
<i>Policy 5: Appropriate use and development of the coastal environment</i>	Support	As for the support for Objective 2, telecommunications infrastructure, in particular submarine cables, is an appropriate use in the coastal environment. The functional need for such infrastructure is determined by the social and economic demands of a community to be connected to modern day telecommunications, and through the island nature of the country. As such, Policy 5 is supported.	Retain Policy 5 as notified.
<i>Policy 7: Impacts on established operations and activities</i>	Support	As per the support for Objective 3, Policy 7 is supported as it provides a framework for the management of reverse sensitivity impacts.	Retain Policy 7 as notified.
<i>Policy 31: Structures that support safe public access and use, or public or environmental benefit</i>	Support	Telecommunications infrastructure, including such infrastructure which has a functional need to be located in the coastal marine or coastal area, has a clear public benefit, in that it allows modern societies to remain connected. Policy 31 specifically states that in appropriate locations and subject to the appropriate management of adverse effects, structures providing for the efficient operation of nationally and regionally important infrastructure will be allowed. This is supported from a telecommunications perspective.	Retain Policy 31 as notified.
<i>Policy 32: Placement of structures</i>	Support	As has been stated for Policy 5, there is a functional need for some telecommunications infrastructure to be placed in the coastal marine and coastal areas. This is provided for through Policy 32, with appropriate controls to manage effects, avoid duplication of structures and avoid identified areas for protection. This is supported from a telecommunications perspective.	Retain Policy 32 as notified.
<i>Policy 36: Maintenance, repair, replacement and minor upgrading of existing structures</i>	Support	From time to time, telecommunications infrastructure in the coastal marine and coastal environment requires maintenance, repair, replacement and minor upgrading. This is provided for through Policy 36.	Retain Policy 36 as notified.
<i>Policy 37: Alteration or extension of existing structures</i>	Support	Given changing demand and technologies, telecommunication infrastructure can require alteration or extension. This is provided for through Policy 37, which also provides for both positive and adverse effects management. This is supported.	Retain Policy 37 as notified.
<i>Policy 38: Removal of coastal structures</i>	Support	Policy 38 strongly encourages the decommissioning and removal of any existing structures in the coastal marine area at the end of their useful lives, unless certain circumstances exist, one of which being that the removal of the structure would cause greater adverse effects on the environment than leaving it in place.	Retain Policy 38 as notified.

Specific provision this submission relates to	Support/Oppose/Amendment	Reasons for submission	Relief sought
		This approach generally aligns with the management of decommissioned telecommunications infrastructure in the environment, and as such the approach outlined in the policy is supported.	
<i>Policy 42: Disturbance of the foreshore or seabed</i>	Support	Typically when telecommunications infrastructure is placed, maintained or upgraded in the coastal marine or coastal areas, the area disturbed will be appropriately managed in line with what is outlined in Policy 42. As such this policy is supported.	Retain Policy 42 as notified.
Section 8: Regional Rules			
Rule 22 Network utility structure erection or placement where the structure is : <i>(d) a communication or electricity cable that is buried or attached to a bridge, access structure or pole;</i>	Amendment	The intent of Rule 22 is supported, in that Controlled Activity status for the placement of new network utility structures in the coastal marine and coastal areas is appropriate. However, sub clause (d) requires a communication cable to be buried or attached to a bridge, access structure or pole. While in some instances telecommunication cables are buried (through either a mole plough, directional drilling, trenching, jet burying, a chain trench, or separate combinations of those), there are other instances where cables are simply laid on the seafloor, and left to natural processes to bury them at a shallow depth. The environmental effect of a cable laid on the seafloor is generally of a lesser degree than the aforementioned burying techniques, however laying a cable on the seafloor is not provided for under Rule 22 as a Controlled Activity, and as such becomes either a Discretionary or Non Complying Activity under Rules 33 and 34 respectively. Given the minimal environmental effects which arise from a seafloor laid cable, it is requested that this activity be included in sub clause (d) to Rule 22.	Amend Rule 22 as follows: Rule 22 Network utility structure erection or placement in the Estuaries Unmodified, Estuaries Modified, Open Coast or Port Coastal Management Areas where the structure is : <i>(d) a communication or electricity cable that is <u>either buried, laid on the seabed or foreshore</u>, or attached to a bridge, access structure or pole;</i>
Rule 38 Existing lawfully established structure removal and replacement	Amendment	Like with Rule 22, the intent of Rule 38 is supported. However, there are issues with Standards/Terms/Conditions (f) and (g). Standard/Term/Condition (f) requires that “ <i>the replacement structure is built in the same location as the original structure</i> ”. This is unworkable. Typically, the telecommunications infrastructure which is being replaced needs to remain operational until the replacement structure is commissioned. As such, while it is possible to locate the replacement structure in a close proximity to the original structure, it is impossible to locate the replacement structure in the same location as the original structure. Consequently, an amendment is sought to the rule. There are two options for this amendment. One is simply to add the words “or similar” between the words “same” and “location” within the rule. However this does not provide the absolute clarity and measureable parameters which are necessary for permitted activity rules. It should be noted that if a cable replacement was undertaken in accordance with the standards as notified (i.e. telecommunications infrastructure was decommissioned, removed, and then the replacement structure is placed in the same location), the same methodologies would need to be used, as natural processes occurring between the removal of the old structure and installation of the replacement structure would mean that the space within which the old structure was located would be filled in. Consequently, the environmental disruption of replacing a structure in the same location, or in a similar location, are no different. The other option is more specific to submarine cables, which are typically the type of telecommunication infrastructure which is located in the coastal marine or coastal area. This option provides for a specific parameters in which replacement cables are to be located. These parameters have been determined from the recommendations made in	Either amend Rule 38 as follows: Rule 38 Existing lawfully established structure removal and replacement: ... <i>The Standards/Terms/Conditions are as follows</i> <i>(f) the replacement structure is built in the same <u>or similar</u> location as the original structure;</i> <i>(g) the existing structure is removed completely with no waste being placed into the coastal marine area, <u>unless the removal of the structure is considered by a Suitably Experienced and Qualified Coastal Professional, in collaboration with the Regional Council, to have greater adverse effects on the environment than leaving it in place;</u></i> OR amend Rule 38 as follows: Rule 38 Existing lawfully established structure removal and replacement: ... <i>The Standards/Terms/Conditions are as follows</i> <i>(f) the replacement structure, <u>except for submarine cables or lines</u>, is built in the same location as the original structure. <u>A replacement submarine cable or line must be laid or suspended within a horizontal distance of no more than three times the depth of water from the cable or line which is being replaced.</u></i> <i>(g) the existing structure is removed completely with no waste being placed into the coastal marine area, <u>unless the removal of the structure is considered by an independent suitably qualified and experienced coastal practitioner, to have greater adverse effects on the environment than leaving it in place. The reasoning for this must be provided to Taranaki Regional Council;</u></i> <i>A replacement cable or line must be laid or suspended in the same location</i>

Specific provision this submission relates to	Support/Oppose/Amendment	Reasons for submission	Relief sought
		<p>the International Cable Protection Committee (ICPC) <i>Recommendation No. 2 – Recommended Routing and Reporting Criteria for Cables in Proximity to Others</i> (attached as Appendix 1). In lieu of any other national or international guidance or standards being available to set parameters, the ICPC recommendations are considered by the industry as a de facto standard.</p> <p>ICPC Recommendation No. 2 does not set a specific distance that a replacement cable should be from an existing cable. Rather, the “<i>Cable Routing and Reporting Criteria</i>” in Section 2.9 (Cable Parallels) of the recommendation provides horizontal separation distance guidance based on depth of water. The desired separation distance where in service cables are parallel to one another is three times the depth of water, although this can be reduced to two times the depth of water in some instances.</p> <p>The reasoning for the separation distances is two-fold. The first matter is in regard to the safe removal of decommissioned cables. Essentially, the technique employed to remove a decommissioned cable is by a hook/anchor type tool dropped from a barge above and is moved through the seabed where the cable is until the cable is snagged, and it is then winched up on to the barge. Sufficient space is required between cables (including a replacement cable which has taken over servicing an area from the cable which is being removed), to ensure that the operative cable is not disrupted when the disused cable is removed.</p> <p>The second matter relates to the first, and that is that after a cable is laid, it can be moved by the coastal process (wave and tidal action), as well as other events such as earthquakes. Consequently, the exact location of a decommissioned cable is not necessarily known when it comes to removing it, and as such sufficient separation is needed between cables to ensure the correct cable is ‘snagged’ when hauling a disused cable from the environment.</p> <p>Consequently the second option for the recommended relief sought for Standard/ Term/Condition (f) directly corresponds to the ICPC recommendations.</p> <p>Standard/Term/Condition (g) requires that “<i>the existing structure is removed completely with no waste being placed into the coastal marine area</i>”. As is recognised through Policy 38, complete removal of an existing structure does not necessarily give rise to reduced environmental effects. Allowance should be made for these situations within the rule framework. An independent suitably qualified and experienced coastal practitioner should be able to make a determination that the environmental effect of removing a structure will be greater than leaving it in situ. This takes away any potential bias from the structure owner, and will give rise to environmental effects which have a lesser degree than what the permitted standard allows.</p>	
Definitions and Acronyms			
Network utility	Support	The definition refers back to Section 166 of the Resource Management Act 1991. Telecommunication and radiocommunication network operators are clearly provided for under that section, and as such this definition is supported.	Retain the definition of Network Utility as notified.
Regionally important infrastructure means infrastructure of regional and/or national importance and is:	Amendment	Sub clauses (h) and (i) to the definition of Regionally Important Infrastructure (RII) refer to <i>strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001 and strategic radio communications facilities as defined in section 2(1) of the Radio Communications Act 1989</i> . There is no definition of “strategic telecommunication /radiocommunication facility” in either the Telecommunications Act or the Radiocommunications Act. Consequently the definition	Preferably, amend the definition of Regionally Important Infrastructure so that it refers only to Infrastructure: Regionally important infrastructure means infrastructure of regional and/or national importance and is includes: (a) Port Taranaki and its approaches and on-going development to meet changing operational needs;

Specific provision this submission relates to	Support/Oppose/Amendment	Reasons for submission	Relief sought
<p>(h) <i>strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001;</i></p> <p>(i) <i>strategic radio communications facilities as defined in section 2(1) of the Radio Communications Act 1989;</i></p>		<p>of RII as notified creates confusion and uncertainty, particularly generated by the reference to “strategic telecommunication /radiocommunication facility”, with no direction provided as to what this encompasses, and through the lack of recognition that telecommunication and radiocommunication facilities are interlinked, and as a whole they are essential to the region in terms of their economic and social benefits, as well as being critical in times of emergency and disaster (as opposed to having elements which are “strategic” and elements which are not.</p> <p>Further, in a more generic sense, specifically providing only for RII, and therefore not allowing other ‘lesser’ infrastructure not to benefit from the policy framework that is attributed to RII is unnecessary. All infrastructure is essential, and this should be recognised in the Plan text. A simpler solution is to remove any reference through the plan to RII (or to infrastructure of a regional and/or national importance) and replace it simply with the word ‘infrastructure’ and accordingly have a definition of that term. On this matter, Spark and Chorus have both been involved in assisting the Ministry for the Environment with the National Planning Standards (NPS) process. This process has been legislated for in the Resource Legislation Amendment Act 2017, and as such form new sections 58B to 58J of the Resource Management Act 1991. Part of the NPS work stream includes progressing a number of key definitions and is following the approach taken by the Auckland Unitary Plan, which has departed from the premise of ‘Regionally Important Infrastructure’ and instead simply recognises ‘infrastructure’. Alignment with this approach is encouraged for the Taranaki Coastal Plan.</p>	<p>(b) <i>facilities and arterial pipelines for the supply or distribution of minerals including oil and gas and their derivatives;</i></p> <p>(c) <i>the national electricity grid, as defined by the Electricity Industry Act 2010;</i></p> <p>(d) <i>facilities for the generation and/or transmission of electricity where it is supplied to the national electricity grid and/or the local electricity distribution network, including supply within the local electricity distribution network;</i></p> <p>(e) <i>defence facilities;</i></p> <p>(f) <i>flood protection works;</i></p> <p>(g) <i>infrastructure associated with the safe and efficient operation of state highways and the rail network;</i></p> <p>(h) strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001;</p> <p>(i) strategic radiocommunications facilities as defined in section 2(1) of the Radio Communications Act 1989;</p> <p>(j) <i>New Plymouth airport, including flight paths;</i></p> <p>(k) <i>arterial pipelines and pumping stations for the distribution of potable water and water treatment plants; and</i></p> <p>(l) <i>arterial pipelines and pumping stations for the collection of wastewater and stormwater, and wastewater treatment plants</i></p> <p>OR amend the definition of Regionally Important Infrastructure as follows: Regionally important infrastructure means infrastructure of regional and/or national importance and is:</p> <p>(h) strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001;</p> <p>(i) strategic radiocommunications facilities as defined in section 2(1) of the Radio Communications Act 1989;</p>

Appendix 1:

International Cable Protection Committee Recommendation No. 2 – Recommended Routing and Reporting Criteria for Cables in Proximity to Others



ICPC Recommendation

Recommendation No. 2

Recommended Routing and Reporting Criteria for Cables in Proximity to Others

Note: The presence of a Suffix letter after the Issue number indicates inclusion of updated peripheral information that does not change the wording of this Recommendation.

Contact for Enquiries and Proposed Changes

If you have any questions regarding this document or suggestions for improving it, please send an email to the ICPC's general.manager@iscpc.org

Suggested Citation

International Cable Protection Committee. ICPC Recommendation #2, Recommended Routing and Reporting Criteria for Cables in Proximity to Others, Issue 3 November 2015.

Available by request at www.iscpc.org or secretariat@iscpc.org

DISCLAIMER

An International Cable Protection Committee Ltd ("ICPC") Recommendation ("Recommendation") implies a consensus of those substantially concerned with its scope and provisions. A Recommendation is intended as a guide to aid cable owners and other seabed users in promoting the highest goals of reliability and safety in the submarine cable environment. The existence of a Recommendation does not in any respect preclude anyone, whether he has approved the Recommendation or not, from laying or repairing undersea cables or employing procedures to these ends which may be required by the ordinary practice of seamanship or by the special circumstances of each case, but which may not be conforming to the Recommendation.

The ICPC does not develop standards and will in no circumstances give an interpretation of a Recommendation in the name of the ICPC. The ICPC and its members do not accept any liability for any errors in the Recommendation or for any consequences resulting from its use as a planning guide. Nothing in this Recommendation should be viewed as relieving anyone from the rights and obligations of seabed users under international law, including but not limited to the United Nations Convention of the Law of the Sea ("UNCLOS").

NB: ICPC Recommendations are subject to periodic review and users are cautioned to obtain the latest issues. This Recommendation may be revised or withdrawn at any time without further notice to the recipient.

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PREAMBLE

The purpose of this recommendation is to assist cable owners and those planning submarine cable systems that cross or are in close proximity to existing in-service cables. Owners of existing cables which may be crossed by a planned cable should also find assistance from this recommendation in reaching agreement on the manner of any proposed crossing or close approach by a new cable system.

The recommendations are based on best practice/worst case scenarios and, given the proliferation of modern cables, it is unlikely that many proposed crossings will meet all, or even most of the criteria.

Nonetheless, the recommendation should be used as a guideline to enable the two cables' owners to reach a compromise over the planned crossing, acceptable to both parties. Ultimately, the objective is to allow each cable to share the seabed without significant impact to future maintenance of either cable.

1. INTRODUCTION

This Recommendation provides generalised cable routing and notification criteria that the ICPC recommends be used when undertaking cable route planning activities where the cable to be installed crosses, approaches close to or parallels an existing or planned system.

The criteria set out in the following paragraphs are designed to specifically apply to submarine telecommunication cables. For information on crossing power cables and pipelines, see ICPC Recommendation No. 3.

2. CABLE ROUTE SELECTION DATA

2.1 General

The minimum requirements for cable routing are embodied in the United Nations Convention on the Law of the Sea (UNCLOS) Articles 51, 58, 79, and 114. It is necessary to give due regard to cables or pipelines already in position. In particular, possibilities of repairing existing cables or pipelines shall not be prejudiced.

The routing of a cable depends on a number of factors, including the end points to be connected, seabed characteristics, risks of cable damage, water depths, the routes and characteristics of cables already in place. Cable routing guidelines to strive for under ideal conditions are suggested below. It must be noted that in practice, a number of factors particular to any given cable installation may prevent adherence to certain of these guidelines. In areas of dense cable congestion, it will not be possible to meet these guidelines; therefore a compromise must be agreed between each cable owner.

The routes of new cables should be selected so as to avoid crossings of other cables, in particular existing in service cables, whenever feasible. Crossings of two or more cables, which would create a close spaced triangle or matrix, or other situation which prejudices the repair of existing cables should be avoided if possible. Where this is not possible, then consideration should be given to Section 2.12 of this recommendation.

Optimised cable crossing and parallel criteria would ideally consider such factors as water depth, cable maintenance and repair, accuracy of the navigational control methods used to identify the locations of existing cables, and local legal and permitting requirements.

These factors, coupled with natural and cultural submarine obstructions, will all influence crossing angles and spacing. It is recommended that each crossing and parallel situation be examined on its own particular merits, with consideration for the prevailing environment and conditions.

2.2 Planning

When new systems are conceived, it is important that potential cable crossings are considered as early as possible in the planning process. Approaches should be made to other cable owners whose cables may be affected and information, including the positions of their submerged plant, sought from them. In cases where two or more new systems are being planned and installed in the same time frame, it may be appropriate to also approach the system supplier responsible for the routing and installation. The protocol in such cases should be agreed between the purchaser and supply contractor. Communication between the two supply contractors during installation is critical so the installation timing and location is known.

In areas where cables must through necessity closely approach others, for example at existing cable landing points, it is recommended that Maintenance Authorities of cables in close proximity are consulted in order to ascertain the most up to date Cable Route Position Lists (RPLs) including any adjustments for cable maintenance operations. An exchange of route information from both the existing and planned cable should confirm if indeed no crossings are required and help prevent unforeseen interaction between cables.

Those planning a new cable should consider providing ICPC with basic cable routing and landing details for dissemination to its members. This action will raise awareness and allow other members to alert the presence of in service cables in the same vicinity.

NB: Failure to relate the positions of repeaters in other systems to the positions of repeaters in the system being planned may result in problems with recovery of repeaters during repairs later in the lives of either system.

2.3 Crossing Agreements

The early stages of the Route Engineering process will identify existing and planned cables that the new system will closely approach or cross. Early consultation should take place with the Maintenance Authorities of these other cables in order to reach an agreement on the position and manner of the crossing or close approach.

In most cases the cable owners should be able to come to an accord without a formal signed Crossing Agreement (which would contain liability and insurance provisions), this being effected by a simple exchange of correspondence covering the technical aspects of the proposed crossing, an 'agreement to cross'.

For such a simple 'agreement to cross', (which should not require a signature from either party), the Maintenance Authority for the crossing cable should forward to the Maintenance Authority for the crossed cable the following information:

- i) A Route Position List (RPL) covering the route of the cable for at least three times depth of water on both sides of the proposed crossing point

- ii) The information source for the crossed cable route (Admiralty Chart, 3rd party database name or RPL provenance)
- iii) Depth of water
- iv) Angle of cables crossing
- v) Cable armour type
- vi) Positions of any submarine plant within 3 x depth of water on both sides of the proposed crossing point.
- vii) Derivation of navigational data, including datums
- viii) Type of seabed in area of crossing
- ix) Burial information, if applicable, including the procedures to be followed by the Installer, when crossing the cable.

It is helpful to include the above information in a chartlet of the crossing area or close approach, showing both cables and any other points of interest. Consideration should be given to supplying a copy of the RPL for the whole of the particular segment of the system involved as this may serve to highlight areas where the cables are in close proximity away from the crossing point.

To aid this process ICPC have produced an agreement to cross notification template for the exchange of technical information (Attachment 1). The Maintenance Authority for the crossed cable should then review the information and respond on a timely basis to ensure that the crossing falls within the guidelines laid down by this procedure, or if that is not possible, that a compromise is reached which is acceptable to both parties.

Ultimately an 'agreement to cross' may not be achieved if both parties cannot reach an agreed compromise.

NB: The need for both parties to provide the fullest possible information to each other, as early as possible in the project timetable cannot be overstressed. Delay in forwarding the initial request will have a knock on effect, as will the failure to supply sufficient information for the other party to make an informed decision. Project timescales are becoming foreshortened and the fullest possible information, sent as early as possible, will help to ensure that crossing agreements can be concluded well in advance of the cable installation.

2.4 Cable Crossings

When crossings are unavoidable, they shall be made as near to a right angle (90 degrees) as possible. If a 90-degree crossing is not technically feasible then angles down to 45 degrees may be considered depending on the particular circumstances. It is highly recommended that crossing angles shallower than 45 degrees not be implemented in order to ensure operational and maintenance activities related to either cable are not compromised.

2.5 Cable Types

Cable types shall be chosen to avoid situations where armoured cables cross lightweight (LW) cables and vice versa due to the risk of abrasion.

Where it is proposed to install an armoured cable over an existing LW cable, special coverings shall be applied to armoured cables or special crossing methods implemented where this situation is deemed unavoidable.

Where it is proposed to install a LW cable over an existing armoured cable, a short length of armoured cable shall be inserted into the LW cable at the crossing point or special crossing methods implemented where this situation is deemed unavoidable.

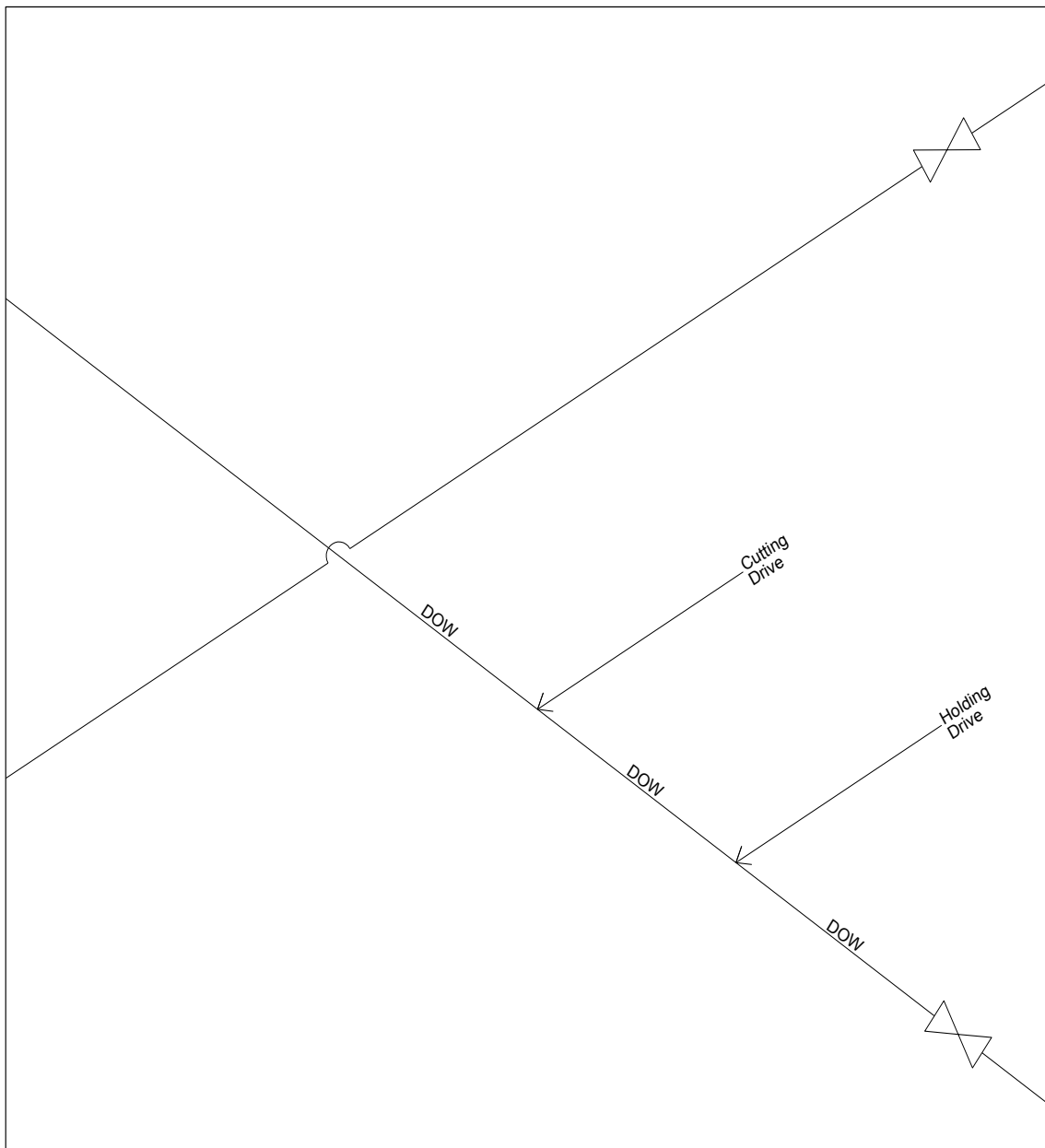
2.6 Repeaters

It is recommended that a clearance of at least three times the depth of water should be allowed between a crossing point and a repeater in the crossed system. The applicable depth of water being the crossing point or the repeater, whichever is the greater. This will ensure that the repeater can be recovered, without endangering the crossing cable, should the cable have been cut so close to the other end of the repeater that recovery from that end is not possible.

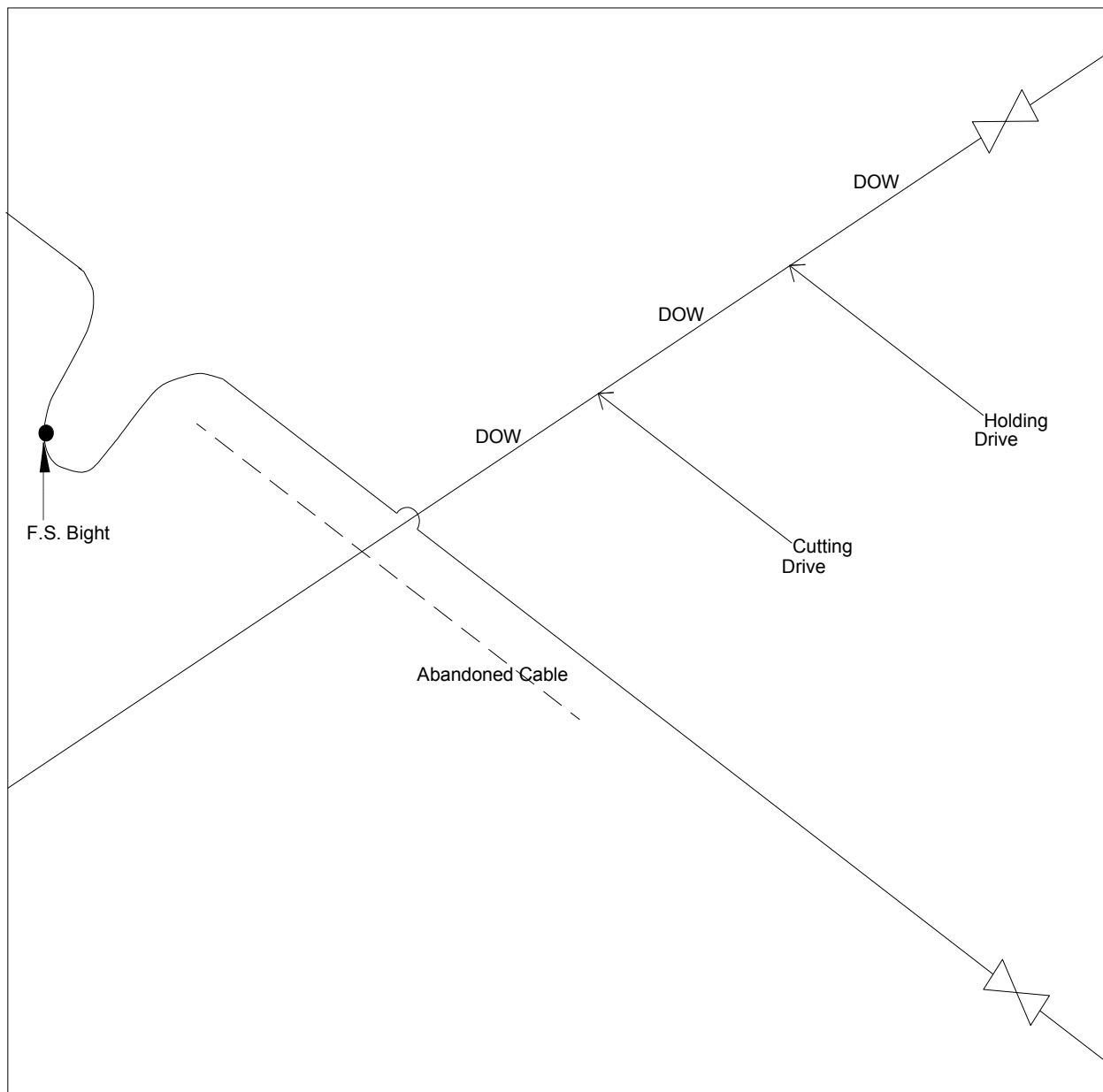
However, with the use of modern navigational equipment and lay/repair practices, these distances could be reduced to 2 times depth of water providing that two such crossings do not exist on either side of the repeater.

If a minimum of 2 times water depth cannot be maintained, then an alternative maintenance solution should be agreed between cable owners.

(See Diagram 1 on the following page)

Diagram 1

Similarly, a clearance of at least three times depth of water should be allowed between the crossing point and a repeater in the crossing system. This will ensure that, in the event of a repair to the crossed cable which results in that cable becoming the crossing cable, the repeater can be recovered should the cable have been cut close to the other end. (See diagram 2)

Diagram 2

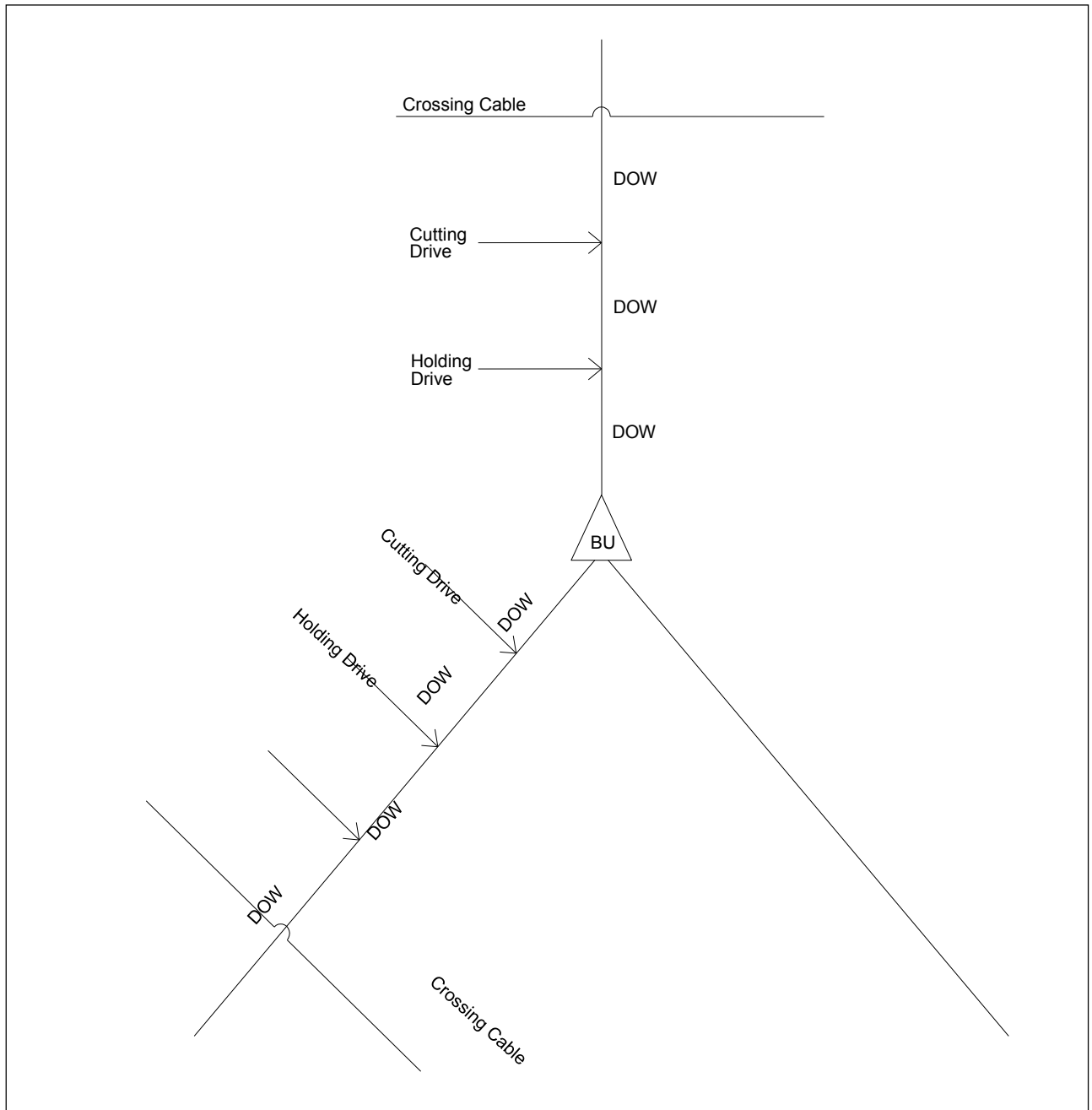
It should be noted that when repairs are carried out close to cable crossings, the planning process should ensure that the final splice is deployed well away from the crossing point and preferably in a direction away from the adjacent repeater, so that it least compromises future repairs in the same area. It should be recognised that practical operational considerations on the repair ground may mean the repair bight direction cannot always be laid away from the adjacent repeater.

It should also be noted that, whilst the clearance criteria of at least three times depth of water should be adequate in most circumstances, in very shallow water this may not be sufficient. For example, in 20m water depth grappling for the crossed cable only 60m from the crossing cable could result in that cable being disturbed: in this situation a clearance of a least 100m should be allowed.

2.7 Branching Units

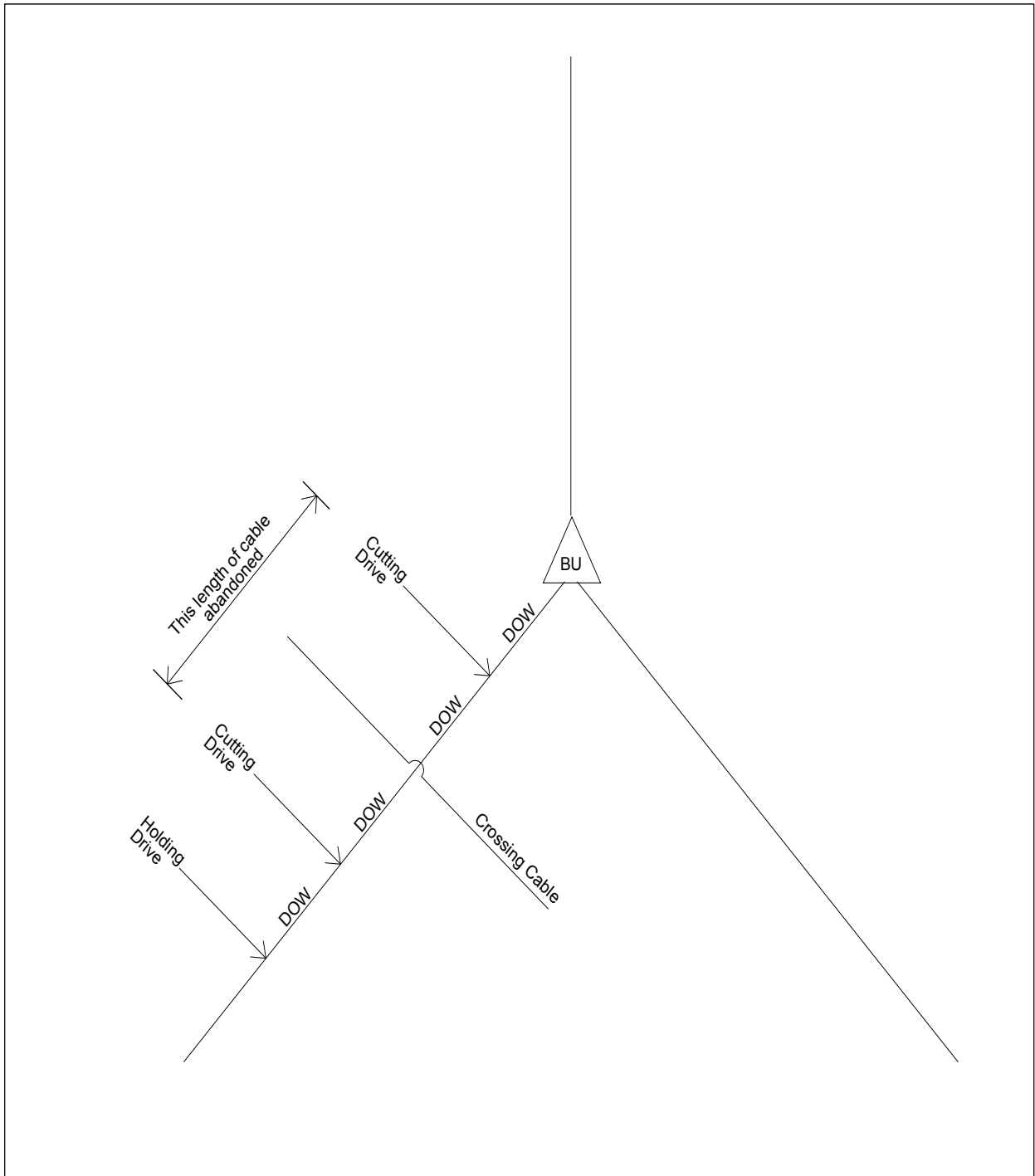
As with repeaters, a clearance of at least 3 times depth of water should be allowed along the main trunk of a branching unit to allow it to be recovered without endangering the crossing cable. The applicable depth of water being the crossing point or the branching unit, whichever is the greater. On the legs of a branching unit, the clearance recommended is 4 times depth of water. This is to allow room for a cutting drive followed by a holding drive to enable the legs to be buoyed off, whilst still keeping operations well clear of the crossing cable. (See diagram 3)

Diagram 3



Where other considerations are paramount, it is possible to cut down the clearance along the legs to twice depth of water, but if this is done then the cutting and buoing operation has to be undertaken outside the crossing point and in that case a length of cable equal to twice depth of water would have to be abandoned on each leg that was crossed. (See diagram 4)

Diagram 4



2.8 Burial Procedures

When it is necessary to cross a buried cable, then the following should apply.

The Maintenance Authority of the crossing cable should supply a copy of the procedures to be followed by its contractor during the crossing operation. This should include at least the following:

(i) Plough up/plough down positions.

These are conventionally 500m before and after the closest point of approach to the cable being crossed. In some circumstances it may be acceptable to reduce this clearance, following discussions with the Maintenance Authority of the crossed cable and the agreement of all parties involved in the installation process. For example the distance from plough up/plough down might be reduced for cables on the continental shelf where the route of the cable to be crossed has been positively identified and located during marine survey.

(ii) Plough position during the crossing.

The plough will normally be flown between the plough up and down positions, though the Maintenance Authority of the crossed cable may ask that the plough be on the deck of the installation ship at this time.

(iii) Post Lay Inspection

An ROV should inspect the crossing point to verify the position and ensure that the cable has been properly laid prior to any burial operations.

(iv) Post Lay Burial.

The cable between the plough up and plough down position will be buried by an ROV, either tracked or free-swimming. The procedure should detail how this will be done and how close the ROV will approach the cable.

If the crossed cable is not buried, permission may be sought to bury a short section at the crossing point, prior to burying the crossing cable.

If the crossed cable is buried, permission may be sought to bury the crossing cable to a shallower depth, leaving an agreed safety margin between the two cables so that there is no risk of the ROV fouling the lower cable.

Should burial not be possible at the crossing point, then cable protection by other methods, such as mattressing or rock dumping may be required.

After completion of the crossing operations, as-laid data should be provided to the owner of the crossed cable in the format and time frame agreed.

2.9 Cable Parallels

Where in service cables parallel one another, the distance between them shall be maintained at 3 times depth of water where possible. However, it is recognised that these separation distances may not be achievable in all circumstances when planning a cable and so the distances may be reduced. With the use of modern navigational equipment and lay/repair practices, these distances could be reduced to 2 times depth of water after consultation and agreement by all affected parties. In areas of high cable congestion, even a separation of 2 times water depth may not be achievable. In these cases, the

maintenance options for each cable should be assessed and agreed with each affected party.

In the case of multiple coastal or festoon type systems, the distance between parallel cables and the number of crossings shall not be ignored in order to reduce the system length. When close parallels are unavoidable because of routing constraints, the minimum spacing between parallel cables shall be determined after consultation with and agreement by all affected parties.

2.10 Shore-end Cables

Every endeavour shall be made to avoid unnecessary alter courses in the routing of shore-end cables. This approach will allow:

- a) The earliest possible launching of a cable plough, where the cable is to be buried into the seabed.
- b) Easier subsequent cable installations to be achieved without unnecessary cable crossings close to shore.
- c) Easier removal of the shore-end cable, should this be required for either permitting reasons or to allow a subsequent cable system to be installed, or for any other reason, after the cable system is withdrawn from service at the end of its service life.

2.11 Choke Points or Narrows

Where there is a feature, or series of features, which restricts the width of the corridor in which a cable must run, careful consideration shall be given to the positioning of the first and subsequent cables in order to maximise the utilisation of the available space.

The route chosen for the first and subsequent cables shall ensure that:

- a) A minimum number of cable crossings occur in the approach to, and departure from, a chokepoint or narrows.
- b) That the cables lie parallel to the maximum extent possible and the distance between cables is chosen with due regard to the installation of further cables through the same feature at some time in the future.
- c) The number of altercourse points shall be kept to a minimum.

2.12 Multiple Crossings

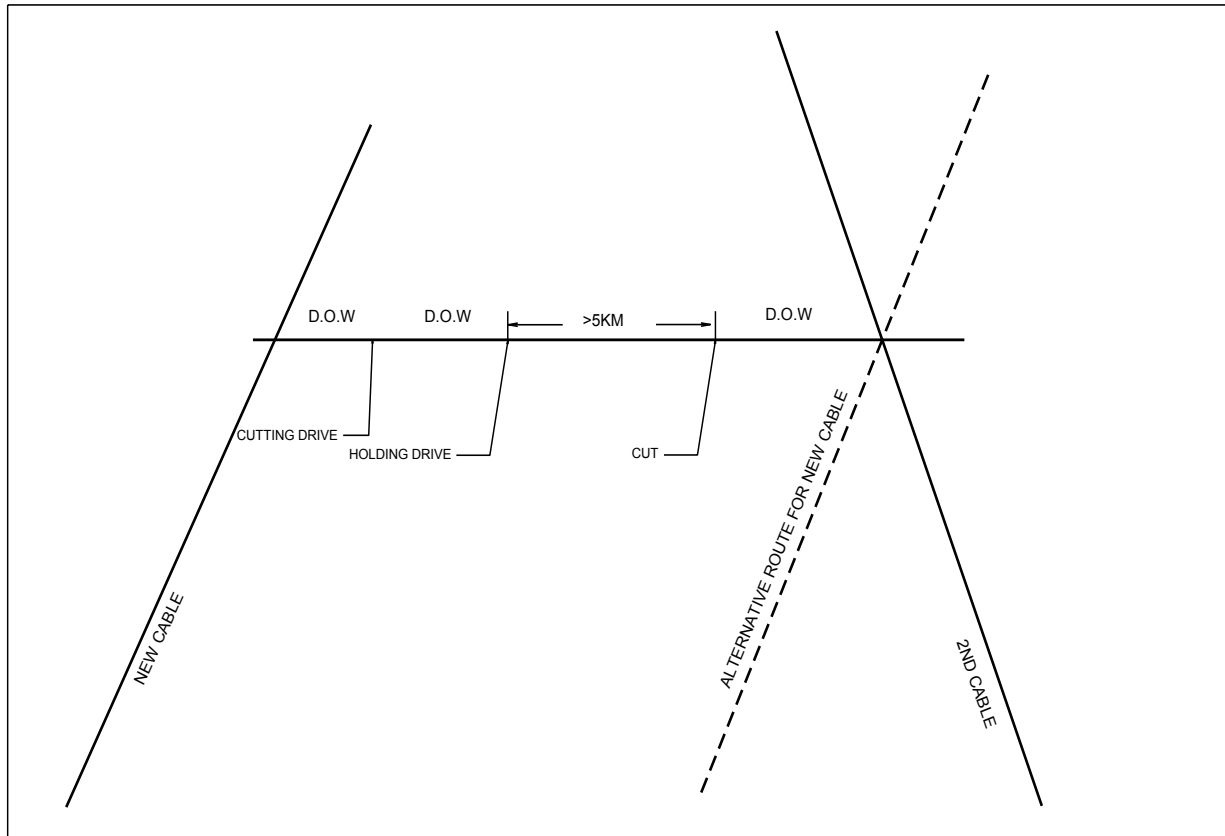
In deep water, crossings should be planned so that they are well away from existing cable crossings. However, where it is not possible to provide a sufficiently large separation, then it may be preferable to install the new cable over the existing crossing.

In the example below (see Diagram 5), a new cable is to be installed close to the crossing point of existing cables. If we assume 4,000m water depth throughout, and that generally in deep water the minimum cable length that can economically be recovered is 5 kms, it can be seen that the minimum clearance between the two cable-crossing points is 17kms. Anything less will effectively sterilise the cable between the two crossing points and render it unrecoverable.

In this case it would be preferable to install the new cable over the original crossing point.

Care should be taken when the original two cables cross at a relatively shallow angle as a third cable may make cable recovery close to the crossing point, during repairs, difficult: however even in this case, the cable unrecoverable at a multiple crossing may be less than would be so if the two crossings were separated.

Diagram 5



3. NOTIFICATIONS IN CONNECTION WITH NEW CABLE CONSTRUCTION OR REPAIRS

3.1. General

Advance notification of planned new cable routes, or repair operations, which will result in close parallels and/or crossings of existing cable routes, shall be made to the responsible Maintenance Authority for the existing cable system or to the Purchaser or Supply Contractor for cables in the process of being installed.

3.2. Contact List

A list, identifying maintenance or engineering contacts for every working cable system in the same general area as the new cable system, shall be established by the Maintenance Authorities of each of the cable systems. This list shall be periodically updated to reflect

current status and shall include telephone, facsimile and e-mail details of the nominated contacts. This list will be used to facilitate required notifications and to obtain existing cable positional data for use in new route planning.

3.3. Conflicts with Military and Government Cables

The organisation that has responsibility for planning the new cable system shall make all reasonable efforts to ensure the planned cable route does not conflict with military, government or any other submarine facilities. Additionally, consultation with other ICPC members that have cables in the area of planned installation could assist in locating appropriate military and government contacts.

3.4. Operational Notifications

The cable owner or Maintenance Authority will ensure that it is a requirement of the cable installation vessel or company to inform all relevant parties of the intention to cross 48 and 24 hours before the crossing and again 24 hours after the crossing.

4. REFERENCES

Document	Title
Submarine Cables: The Handbook of Law and Policy – Publishers: Martinus Hijoff (2014)	Chapter 11, Protecting Submarine Cables from Competing Uses

5. DEFINITIONS

The following words acronyms and abbreviations are referred to in this document.

Term	Definition
DoW	Depth of Water
FS	Final Splice
Maintenance Authority	The organisation responsible for the operation and maintenance of a particular submarine cable system
RPL	Route Position List
LW	Lightweight cable (unarmoured)
ROV	Remotely Operated Vehicle, an unmanned submersible robot

6. ATTACHMENTS

Document Number	Title
Recommendation No.2 Attachment No. 1.	ICPC Agreement to Cross Notification Template

ICPC Agreement to Cross Notification



Planned Cable System Name: *(Name of new cable)*

Planned cable Owner: *(Company name and contact)*

Agreement to Cross Contact: *(cable owner or their agent, name contact details)*

ICPC Recommendation No2 Recommended Information Exchange

i) Route Position List (RPL) for consideration: (either co-ordinate listing below or the name of a separate file attached)

ii) Information Source for the crossed cable (Admiralty Chart, 3rd party database name or RPL provenance)

iii) Depth of water at the crossing

iv) Angle of cables crossing

v) Cable armour type

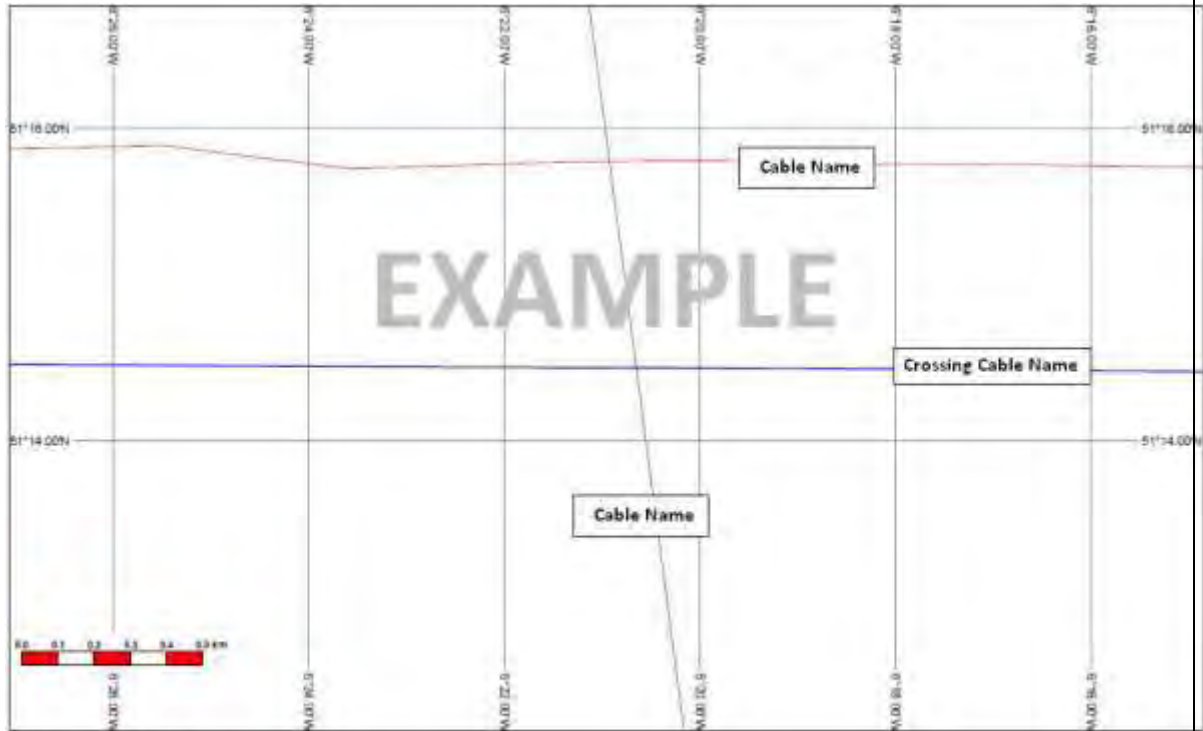
vi) Positions of any submarine plant within 3 x depth of water on both sides of the proposed crossing point.

vii) Derivation of navigational data, including datums

viii) Type of seabed in area of crossing

- ix) Burial information, if applicable, including the procedures to be followed by the Installer, when crossing the cable.

Crossing Chart



Min Angle: 82.13°
 Location: XX° 14.469' N ; XX° 20.648' W
 Water Depth: 103m
 Cable Type: Nexans Single Armour

Form 5

**Submission on publicly notified proposal for policy statement or plan, change or variation
Clause 6 of Schedule 1, Resource Management Act 1991**

To: Taranaki Regional Council
Private Bag 713
Stratford 4352

[Uploaded via online feedback form <https://www.trc.govt.nz/council/plans-and-reports/strategy-policy-and-plans/regional-coastal-plan/proposed-coastal-plan-feedback-form/>]

Name of submitter: Vodafone New Zealand Limited
Private Bag 92143
Auckland 1142

This is a submission on the following proposed plan: **Proposed Coastal Plan for Taranaki**

Vodafone New Zealand Limited, Chorus New Zealand Limited and Spark New Zealand Trading Limited have lodged individual but identical submissions to the Proposed Coastal Plan for Taranaki. While individual submissions have been lodged, the submitters intend preparing and presenting a joint case.

Vodafone New Zealand Limited could not gain an advantage in trade competition through this submission.

Vodafone New Zealand Limited welcomes the opportunity to make a submission on the Proposed Coastal Plan for Taranaki. In general, Vodafone New Zealand Limited is supportive of the Proposed Plan. However there are some matters for which amendment is sought to prior to Proposed Plan being made operative.

Vodafone New Zealand Limited owns and operates an existing submarine cable in the Taranaki Coastal Marine Area, being the Aqualink Cable (shown in the figure below). Aqualink runs down the west coast

of the North Island (through the Taranaki Coastal Marine Area) and east coast of the South Island, as shown in the following schematic diagram:



Submarine cables also provide crucial diversity and resilience for domestic communications around New Zealand. Aqualink proved to be critical to the shared solution by Vodafone New Zealand Limited, Chorus New Zealand Limited and Spark New Zealand Trading Limited to quickly restore telecommunications to Kaikoura when the fibre line that typically serves that area was broken during the 2016 earthquake. The companies work together and lease capacity on different submarine cables, and as such, protecting the integrity of submarine telecommunication cables is of paramount importance to all three companies, regardless of who the asset owner is.

The purpose of the Resource Management Act 1991, as embodied in section 5, is promotion of the sustainable management of natural and physical resources. Telecommunications infrastructure is a significant physical resource, and the safe, reliable and efficient functioning of the network is vital for the regional economy and is in the public interest (both in terms of allowing people and communities to provide for their "wellbeing", and also for assisting to ensure their "health and safety").

The specific provisions of the proposal that the submission relates to, the submission points, reasons and decisions sought are detailed in the attached table.

Vodafone New Zealand Limited wishes to be heard in support of its submission. Vodafone New Zealand Limited would present a joint case with Chorus New Zealand Limited and Spark New Zealand at any hearing. If others make a similar submission, Vodafone New Zealand Limited will consider presenting a joint case with them at a hearing.



Signed: pp

Ross Langford, Site Acquisition and Planning Manager, Networks & Platforms – Radio Access
Vodafone New Zealand Limited

27 April 2018.

Address for Service:

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C/- Incite
P O Box 2058
Wellington 6140

Contact Details:

Attention: Tom Anderson
Telephone: 04 801 6862 or 027 231 0246
E-mail: tom@incite.co.nz

Proposed text is in **bold and underlined** and text requested to be deleted is in ~~strikethrough~~.

Specific provision this submission relates to	Support/Oppose/Amendment	Reasons for submission	Relief sought
Section 4: Objectives			
<i>Objective 2: Appropriate use and development</i>	Support	The placement of telecommunications infrastructure, and in particular submarine cables, in the coastal marine and coastal area is an appropriate use of those spaces, and this is recognised in Objective 2.	Retain Objective 2 as notified.
<i>Objective 3: Reverse sensitivity</i>	Support	An objective highlighting reverse sensitivity effects on the use and ongoing operation of nationally and regionally important infrastructure and other lawfully established activities from new or inappropriate use and development in the coastal environment is supported	Retain Objective 3 as notified.
Section 5: Policies			
<i>Policy 2: Integrated management</i>	Support	A policy which provides for the integrated management of the coastal environment, and in particular highlights social and cultural well-being of the community alongside the functional and/or location constraints of nationally or regionally important infrastructure is supported.	Retain Policy 2 as notified.
<i>Policy 5: Appropriate use and development of the coastal environment</i>	Support	As for the support for Objective 2, telecommunications infrastructure, in particular submarine cables, is an appropriate use in the coastal environment. The functional need for such infrastructure is determined by the social and economic demands of a community to be connected to modern day telecommunications, and through the island nature of the country. As such, Policy 5 is supported.	Retain Policy 5 as notified.
<i>Policy 7: Impacts on established operations and activities</i>	Support	As per the support for Objective 3, Policy 7 is supported as it provides a framework for the management of reverse sensitivity impacts.	Retain Policy 7 as notified.
<i>Policy 31: Structures that support safe public access and use, or public or environmental benefit</i>	Support	Telecommunications infrastructure, including such infrastructure which has a functional need to be located in the coastal marine or coastal area, has a clear public benefit, in that it allows modern societies to remain connected. Policy 31 specifically states that in appropriate locations and subject to the appropriate management of adverse effects, structures providing for the efficient operation of nationally and regionally important infrastructure will be allowed. This is supported from a telecommunications perspective.	Retain Policy 31 as notified.
<i>Policy 32: Placement of structures</i>	Support	As has been stated for Policy 5, there is a functional need for some telecommunications infrastructure to be placed in the coastal marine and coastal areas. This is provided for through Policy 32, with appropriate controls to manage effects, avoid duplication of structures and avoid identified areas for protection. This is supported from a telecommunications perspective.	Retain Policy 32 as notified.
<i>Policy 36: Maintenance, repair, replacement and minor upgrading of existing structures</i>	Support	From time to time, telecommunications infrastructure in the coastal marine and coastal environment requires maintenance, repair, replacement and minor upgrading. This is provided for through Policy 36.	Retain Policy 36 as notified.
<i>Policy 37: Alteration or extension of existing structures</i>	Support	Given changing demand and technologies, telecommunication infrastructure can require alteration or extension. This is provided for through Policy 37, which also provides for both positive and adverse effects management. This is supported.	Retain Policy 37 as notified.
<i>Policy 38: Removal of coastal structures</i>	Support	Policy 38 strongly encourages the decommissioning and removal of any existing structures in the coastal marine area at the end of their useful lives, unless certain circumstances exist, one of which being that the removal of the structure would cause greater adverse effects on the environment than leaving it in place.	Retain Policy 38 as notified.

Specific provision this submission relates to	Support/Oppose/Amendment	Reasons for submission	Relief sought
		This approach generally aligns with the management of decommissioned telecommunications infrastructure in the environment, and as such the approach outlined in the policy is supported.	
<i>Policy 42: Disturbance of the foreshore or seabed</i>	Support	Typically when telecommunications infrastructure is placed, maintained or upgraded in the coastal marine or coastal areas, the area disturbed will be appropriately managed in line with what is outlined in Policy 42. As such this policy is supported.	Retain Policy 42 as notified.
Section 8: Regional Rules			
Rule 22 Network utility structure erection or placement where the structure is : <i>(d) a communication or electricity cable that is buried or attached to a bridge, access structure or pole;</i>	Amendment	The intent of Rule 22 is supported, in that Controlled Activity status for the placement of new network utility structures in the coastal marine and coastal areas is appropriate. However, sub clause (d) requires a communication cable to be buried or attached to a bridge, access structure or pole. While in some instances telecommunication cables are buried (through either a mole plough, directional drilling, trenching, jet burying, a chain trench, or separate combinations of those), there are other instances where cables are simply laid on the seafloor, and left to natural processes to bury them at a shallow depth. The environmental effect of a cable laid on the seafloor is generally of a lesser degree than the aforementioned burying techniques, however laying a cable on the seafloor is not provided for under Rule 22 as a Controlled Activity, and as such becomes either a Discretionary or Non Complying Activity under Rules 33 and 34 respectively. Given the minimal environmental effects which arise from a seafloor laid cable, it is requested that this activity be included in sub clause (d) to Rule 22.	Amend Rule 22 as follows: Rule 22 Network utility structure erection or placement in the Estuaries Unmodified, Estuaries Modified, Open Coast or Port Coastal Management Areas where the structure is : <i>(d) a communication or electricity cable that is <u>either buried, laid on the seabed or foreshore</u>, or attached to a bridge, access structure or pole;</i>
Rule 38 Existing lawfully established structure removal and replacement	Amendment	Like with Rule 22, the intent of Rule 38 is supported. However, there are issues with Standards/Terms/Conditions (f) and (g). Standard/Term/Condition (f) requires that “ <i>the replacement structure is built in the same location as the original structure</i> ”. This is unworkable. Typically, the telecommunications infrastructure which is being replaced needs to remain operational until the replacement structure is commissioned. As such, while it is possible to locate the replacement structure in a close proximity to the original structure, it is impossible to locate the replacement structure in the same location as the original structure. Consequently, an amendment is sought to the rule. There are two options for this amendment. One is simply to add the words “or similar” between the words “same” and “location” within the rule. However this does not provide the absolute clarity and measureable parameters which are necessary for permitted activity rules. It should be noted that if a cable replacement was undertaken in accordance with the standards as notified (i.e. telecommunications infrastructure was decommissioned, removed, and then the replacement structure is placed in the same location), the same methodologies would need to be used, as natural processes occurring between the removal of the old structure and installation of the replacement structure would mean that the space within which the old structure was located would be filled in. Consequently, the environmental disruption of replacing a structure in the same location, or in a similar location, are no different. The other option is more specific to submarine cables, which are typically the type of telecommunication infrastructure which is located in the coastal marine or coastal area. This option provides for a specific parameters in which replacement cables are to be located. These parameters have been determined from the recommendations made in	Either amend Rule 38 as follows: Rule 38 Existing lawfully established structure removal and replacement: ... <i>The Standards/Terms/Conditions are as follows</i> <i>(f) the replacement structure is built in the same <u>or similar</u> location as the original structure;</i> <i>(g) the existing structure is removed completely with no waste being placed into the coastal marine area, <u>unless the removal of the structure is considered by a Suitably Experienced and Qualified Coastal Professional, in collaboration with the Regional Council, to have greater adverse effects on the environment than leaving it in place;</u></i> OR amend Rule 38 as follows: Rule 38 Existing lawfully established structure removal and replacement: ... <i>The Standards/Terms/Conditions are as follows</i> <i>(f) the replacement structure, <u>except for submarine cables or lines</u>, is built in the same location as the original structure. <u>A replacement submarine cable or line must be laid or suspended within a horizontal distance of no more than three times the depth of water from the cable or line which is being replaced.</u></i> <i>(g) the existing structure is removed completely with no waste being placed into the coastal marine area, <u>unless the removal of the structure is considered by an independent suitably qualified and experienced coastal practitioner, to have greater adverse effects on the environment than leaving it in place. The reasoning for this must be provided to Taranaki Regional Council;</u></i> <i>A replacement cable or line must be laid or suspended in the same location</i>

Specific provision this submission relates to	Support/Oppose/Amendment	Reasons for submission	Relief sought
		<p>the International Cable Protection Committee (ICPC) <i>Recommendation No. 2 – Recommended Routing and Reporting Criteria for Cables in Proximity to Others</i> (attached as Appendix 1). In lieu of any other national or international guidance or standards being available to set parameters, the ICPC recommendations are considered by the industry as a de facto standard.</p> <p>ICPC Recommendation No. 2 does not set a specific distance that a replacement cable should be from an existing cable. Rather, the “<i>Cable Routing and Reporting Criteria</i>” in Section 2.9 (Cable Parallels) of the recommendation provides horizontal separation distance guidance based on depth of water. The desired separation distance where in service cables are parallel to one another is three times the depth of water, although this can be reduced to two times the depth of water in some instances.</p> <p>The reasoning for the separation distances is two-fold. The first matter is in regard to the safe removal of decommissioned cables. Essentially, the technique employed to remove a decommissioned cable is by a hook/anchor type tool dropped from a barge above and is moved through the seabed where the cable is until the cable is snagged, and it is then winched up on to the barge. Sufficient space is required between cables (including a replacement cable which has taken over servicing an area from the cable which is being removed), to ensure that the operative cable is not disrupted when the disused cable is removed.</p> <p>The second matter relates to the first, and that is that after a cable is laid, it can be moved by the coastal process (wave and tidal action), as well as other events such as earthquakes. Consequently, the exact location of a decommissioned cable is not necessarily known when it comes to removing it, and as such sufficient separation is needed between cables to ensure the correct cable is ‘snagged’ when hauling a disused cable from the environment.</p> <p>Consequently the second option for the recommended relief sought for Standard/ Term/Condition (f) directly corresponds to the ICPC recommendations.</p> <p>Standard/Term/Condition (g) requires that “<i>the existing structure is removed completely with no waste being placed into the coastal marine area</i>”. As is recognised through Policy 38, complete removal of an existing structure does not necessarily give rise to reduced environmental effects. Allowance should be made for these situations within the rule framework. An independent suitably qualified and experienced coastal practitioner should be able to make a determination that the environmental effect of removing a structure will be greater than leaving it in situ. This takes away any potential bias from the structure owner, and will give rise to environmental effects which have a lesser degree than what the permitted standard allows.</p>	
Definitions and Acronyms			
Network utility	Support	The definition refers back to Section 166 of the Resource Management Act 1991. Telecommunication and radiocommunication network operators are clearly provided for under that section, and as such this definition is supported.	Retain the definition of Network Utility as notified.
Regionally important infrastructure means infrastructure of regional and/or national importance and is:	Amendment	Sub clauses (h) and (i) to the definition of Regionally Important Infrastructure (RII) refer to <i>strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001 and strategic radio communications facilities as defined in section 2(1) of the Radio Communications Act 1989</i> . There is no definition of “strategic telecommunication /radiocommunication facility” in either the Telecommunications Act or the Radiocommunications Act. Consequently the definition	Preferably, amend the definition of Regionally Important Infrastructure so that it refers only to Infrastructure: Regionally important infrastructure means infrastructure of regional and/or national importance and is includes: (a) Port Taranaki and its approaches and on-going development to meet changing operational needs;

Specific provision this submission relates to	Support/Oppose/Amendment	Reasons for submission	Relief sought
<p>(h) <i>strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001;</i></p> <p>(i) <i>strategic radio communications facilities as defined in section 2(1) of the Radio Communications Act 1989;</i></p>		<p>of RII as notified creates confusion and uncertainty, particularly generated by the reference to “strategic telecommunication /radiocommunication facility”, with no direction provided as to what this encompasses, and through the lack of recognition that telecommunication and radiocommunication facilities are interlinked, and as a whole they are essential to the region in terms of their economic and social benefits, as well as being critical in times of emergency and disaster (as opposed to having elements which are “strategic” and elements which are not.</p> <p>Further, in a more generic sense, specifically providing only for RII, and therefore not allowing other ‘lesser’ infrastructure not to benefit from the policy framework that is attributed to RII is unnecessary. All infrastructure is essential, and this should be recognised in the Plan text. A simpler solution is to remove any reference through the plan to RII (or to infrastructure of a regional and/or national importance) and replace it simply with the word ‘infrastructure’ and accordingly have a definition of that term. On this matter, Spark and Chorus have both been involved in assisting the Ministry for the Environment with the National Planning Standards (NPS) process. This process has been legislated for in the Resource Legislation Amendment Act 2017, and as such form new sections 58B to 58J of the Resource Management Act 1991. Part of the NPS work stream includes progressing a number of key definitions and is following the approach taken by the Auckland Unitary Plan, which has departed from the premise of ‘Regionally Important Infrastructure’ and instead simply recognises ‘infrastructure’. Alignment with this approach is encouraged for the Taranaki Coastal Plan.</p>	<p>(b) <i>facilities and arterial pipelines for the supply or distribution of minerals including oil and gas and their derivatives;</i></p> <p>(c) <i>the national electricity grid, as defined by the Electricity Industry Act 2010;</i></p> <p>(d) <i>facilities for the generation and/or transmission of electricity where it is supplied to the national electricity grid and/or the local electricity distribution network, including supply within the local electricity distribution network;</i></p> <p>(e) <i>defence facilities;</i></p> <p>(f) <i>flood protection works;</i></p> <p>(g) <i>infrastructure associated with the safe and efficient operation of state highways and the rail network;</i></p> <p>(h) strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001;</p> <p>(i) strategic radiocommunications facilities as defined in section 2(1) of the Radio Communications Act 1989;</p> <p>(j) <i>New Plymouth airport, including flight paths;</i></p> <p>(k) <i>arterial pipelines and pumping stations for the distribution of potable water and water treatment plants; and</i></p> <p>(l) <i>arterial pipelines and pumping stations for the collection of wastewater and stormwater, and wastewater treatment plants</i></p> <p>OR amend the definition of Regionally Important Infrastructure as follows: Regionally important infrastructure means infrastructure of regional and/or national importance and is:</p> <p>(h) strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001;</p> <p>(i) strategic radiocommunications facilities as defined in section 2(1) of the Radio Communications Act 1989;</p>

Appendix 1:

International Cable Protection Committee Recommendation No. 2 – Recommended Routing and Reporting Criteria for Cables in Proximity to Others



ICPC Recommendation

Recommendation No. 2

Recommended Routing and Reporting Criteria for Cables in Proximity to Others

Note: The presence of a Suffix letter after the Issue number indicates inclusion of updated peripheral information that does not change the wording of this Recommendation.

Contact for Enquiries and Proposed Changes

If you have any questions regarding this document or suggestions for improving it, please send an email to the ICPC's general.manager@iscpc.org

Suggested Citation

International Cable Protection Committee. ICPC Recommendation #2, Recommended Routing and Reporting Criteria for Cables in Proximity to Others, Issue 3 November 2015.

Available by request at www.iscpc.org or secretariat@iscpc.org

DISCLAIMER

An International Cable Protection Committee Ltd ("ICPC") Recommendation ("Recommendation") implies a consensus of those substantially concerned with its scope and provisions. A Recommendation is intended as a guide to aid cable owners and other seabed users in promoting the highest goals of reliability and safety in the submarine cable environment. The existence of a Recommendation does not in any respect preclude anyone, whether he has approved the Recommendation or not, from laying or repairing undersea cables or employing procedures to these ends which may be required by the ordinary practice of seamanship or by the special circumstances of each case, but which may not be conforming to the Recommendation.

The ICPC does not develop standards and will in no circumstances give an interpretation of a Recommendation in the name of the ICPC. The ICPC and its members do not accept any liability for any errors in the Recommendation or for any consequences resulting from its use as a planning guide. Nothing in this Recommendation should be viewed as relieving anyone from the rights and obligations of seabed users under international law, including but not limited to the United Nations Convention of the Law of the Sea ("UNCLOS").

NB: ICPC Recommendations are subject to periodic review and users are cautioned to obtain the latest issues. This Recommendation may be revised or withdrawn at any time without further notice to the recipient.

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PREAMBLE

The purpose of this recommendation is to assist cable owners and those planning submarine cable systems that cross or are in close proximity to existing in-service cables. Owners of existing cables which may be crossed by a planned cable should also find assistance from this recommendation in reaching agreement on the manner of any proposed crossing or close approach by a new cable system.

The recommendations are based on best practice/worst case scenarios and, given the proliferation of modern cables, it is unlikely that many proposed crossings will meet all, or even most of the criteria.

Nonetheless, the recommendation should be used as a guideline to enable the two cables' owners to reach a compromise over the planned crossing, acceptable to both parties. Ultimately, the objective is to allow each cable to share the seabed without significant impact to future maintenance of either cable.

1. INTRODUCTION

This Recommendation provides generalised cable routing and notification criteria that the ICPC recommends be used when undertaking cable route planning activities where the cable to be installed crosses, approaches close to or parallels an existing or planned system.

The criteria set out in the following paragraphs are designed to specifically apply to submarine telecommunication cables. For information on crossing power cables and pipelines, see ICPC Recommendation No. 3.

2. CABLE ROUTE SELECTION DATA

2.1 General

The minimum requirements for cable routing are embodied in the United Nations Convention on the Law of the Sea (UNCLOS) Articles 51, 58, 79, and 114. It is necessary to give due regard to cables or pipelines already in position. In particular, possibilities of repairing existing cables or pipelines shall not be prejudiced.

The routing of a cable depends on a number of factors, including the end points to be connected, seabed characteristics, risks of cable damage, water depths, the routes and characteristics of cables already in place. Cable routing guidelines to strive for under ideal conditions are suggested below. It must be noted that in practice, a number of factors particular to any given cable installation may prevent adherence to certain of these guidelines. In areas of dense cable congestion, it will not be possible to meet these guidelines; therefore a compromise must be agreed between each cable owner.

The routes of new cables should be selected so as to avoid crossings of other cables, in particular existing in service cables, whenever feasible. Crossings of two or more cables, which would create a close spaced triangle or matrix, or other situation which prejudices the repair of existing cables should be avoided if possible. Where this is not possible, then consideration should be given to Section 2.12 of this recommendation.

Optimised cable crossing and parallel criteria would ideally consider such factors as water depth, cable maintenance and repair, accuracy of the navigational control methods used to identify the locations of existing cables, and local legal and permitting requirements.

These factors, coupled with natural and cultural submarine obstructions, will all influence crossing angles and spacing. It is recommended that each crossing and parallel situation be examined on its own particular merits, with consideration for the prevailing environment and conditions.

2.2 Planning

When new systems are conceived, it is important that potential cable crossings are considered as early as possible in the planning process. Approaches should be made to other cable owners whose cables may be affected and information, including the positions of their submerged plant, sought from them. In cases where two or more new systems are being planned and installed in the same time frame, it may be appropriate to also approach the system supplier responsible for the routing and installation. The protocol in such cases should be agreed between the purchaser and supply contractor. Communication between the two supply contractors during installation is critical so the installation timing and location is known.

In areas where cables must through necessity closely approach others, for example at existing cable landing points, it is recommended that Maintenance Authorities of cables in close proximity are consulted in order to ascertain the most up to date Cable Route Position Lists (RPLs) including any adjustments for cable maintenance operations. An exchange of route information from both the existing and planned cable should confirm if indeed no crossings are required and help prevent unforeseen interaction between cables.

Those planning a new cable should consider providing ICPC with basic cable routing and landing details for dissemination to its members. This action will raise awareness and allow other members to alert the presence of in service cables in the same vicinity.

NB: Failure to relate the positions of repeaters in other systems to the positions of repeaters in the system being planned may result in problems with recovery of repeaters during repairs later in the lives of either system.

2.3 Crossing Agreements

The early stages of the Route Engineering process will identify existing and planned cables that the new system will closely approach or cross. Early consultation should take place with the Maintenance Authorities of these other cables in order to reach an agreement on the position and manner of the crossing or close approach.

In most cases the cable owners should be able to come to an accord without a formal signed Crossing Agreement (which would contain liability and insurance provisions), this being effected by a simple exchange of correspondence covering the technical aspects of the proposed crossing, an 'agreement to cross'.

For such a simple 'agreement to cross', (which should not require a signature from either party), the Maintenance Authority for the crossing cable should forward to the Maintenance Authority for the crossed cable the following information:

- i) A Route Position List (RPL) covering the route of the cable for at least three times depth of water on both sides of the proposed crossing point

- ii) The information source for the crossed cable route (Admiralty Chart, 3rd party database name or RPL provenance)
- iii) Depth of water
- iv) Angle of cables crossing
- v) Cable armour type
- vi) Positions of any submarine plant within 3 x depth of water on both sides of the proposed crossing point.
- vii) Derivation of navigational data, including datums
- viii) Type of seabed in area of crossing
- ix) Burial information, if applicable, including the procedures to be followed by the Installer, when crossing the cable.

It is helpful to include the above information in a chartlet of the crossing area or close approach, showing both cables and any other points of interest. Consideration should be given to supplying a copy of the RPL for the whole of the particular segment of the system involved as this may serve to highlight areas where the cables are in close proximity away from the crossing point.

To aid this process ICPC have produced an agreement to cross notification template for the exchange of technical information (Attachment 1). The Maintenance Authority for the crossed cable should then review the information and respond on a timely basis to ensure that the crossing falls within the guidelines laid down by this procedure, or if that is not possible, that a compromise is reached which is acceptable to both parties.

Ultimately an 'agreement to cross' may not be achieved if both parties cannot reach an agreed compromise.

NB: The need for both parties to provide the fullest possible information to each other, as early as possible in the project timetable cannot be overstressed. Delay in forwarding the initial request will have a knock on effect, as will the failure to supply sufficient information for the other party to make an informed decision. Project timescales are becoming foreshortened and the fullest possible information, sent as early as possible, will help to ensure that crossing agreements can be concluded well in advance of the cable installation.

2.4 Cable Crossings

When crossings are unavoidable, they shall be made as near to a right angle (90 degrees) as possible. If a 90-degree crossing is not technically feasible then angles down to 45 degrees may be considered depending on the particular circumstances. It is highly recommended that crossing angles shallower than 45 degrees not be implemented in order to ensure operational and maintenance activities related to either cable are not compromised.

2.5 Cable Types

Cable types shall be chosen to avoid situations where armoured cables cross lightweight (LW) cables and vice versa due to the risk of abrasion.

Where it is proposed to install an armoured cable over an existing LW cable, special coverings shall be applied to armoured cables or special crossing methods implemented where this situation is deemed unavoidable.

Where it is proposed to install a LW cable over an existing armoured cable, a short length of armoured cable shall be inserted into the LW cable at the crossing point or special crossing methods implemented where this situation is deemed unavoidable.

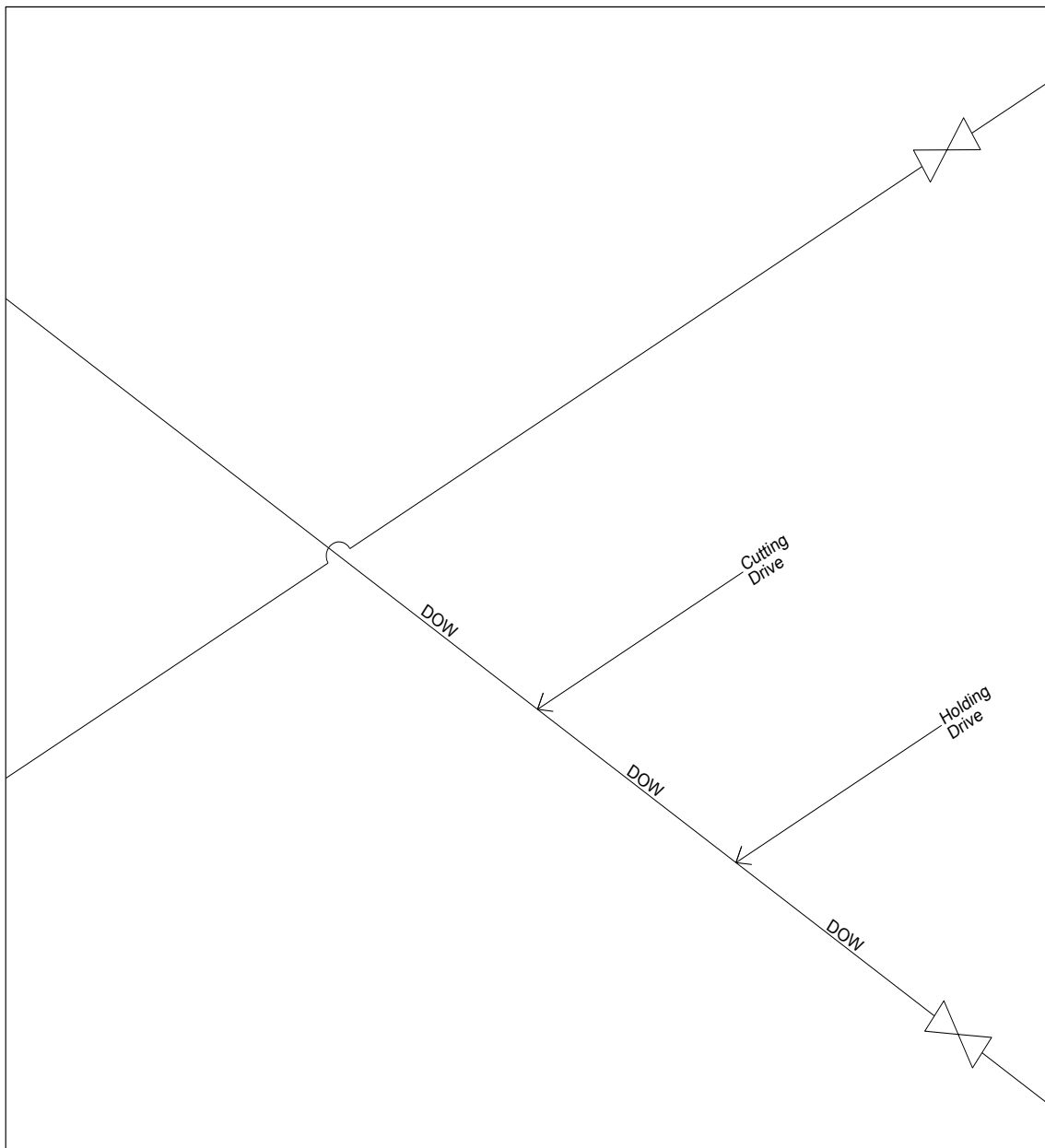
2.6 Repeaters

It is recommended that a clearance of at least three times the depth of water should be allowed between a crossing point and a repeater in the crossed system. The applicable depth of water being the crossing point or the repeater, whichever is the greater. This will ensure that the repeater can be recovered, without endangering the crossing cable, should the cable have been cut so close to the other end of the repeater that recovery from that end is not possible.

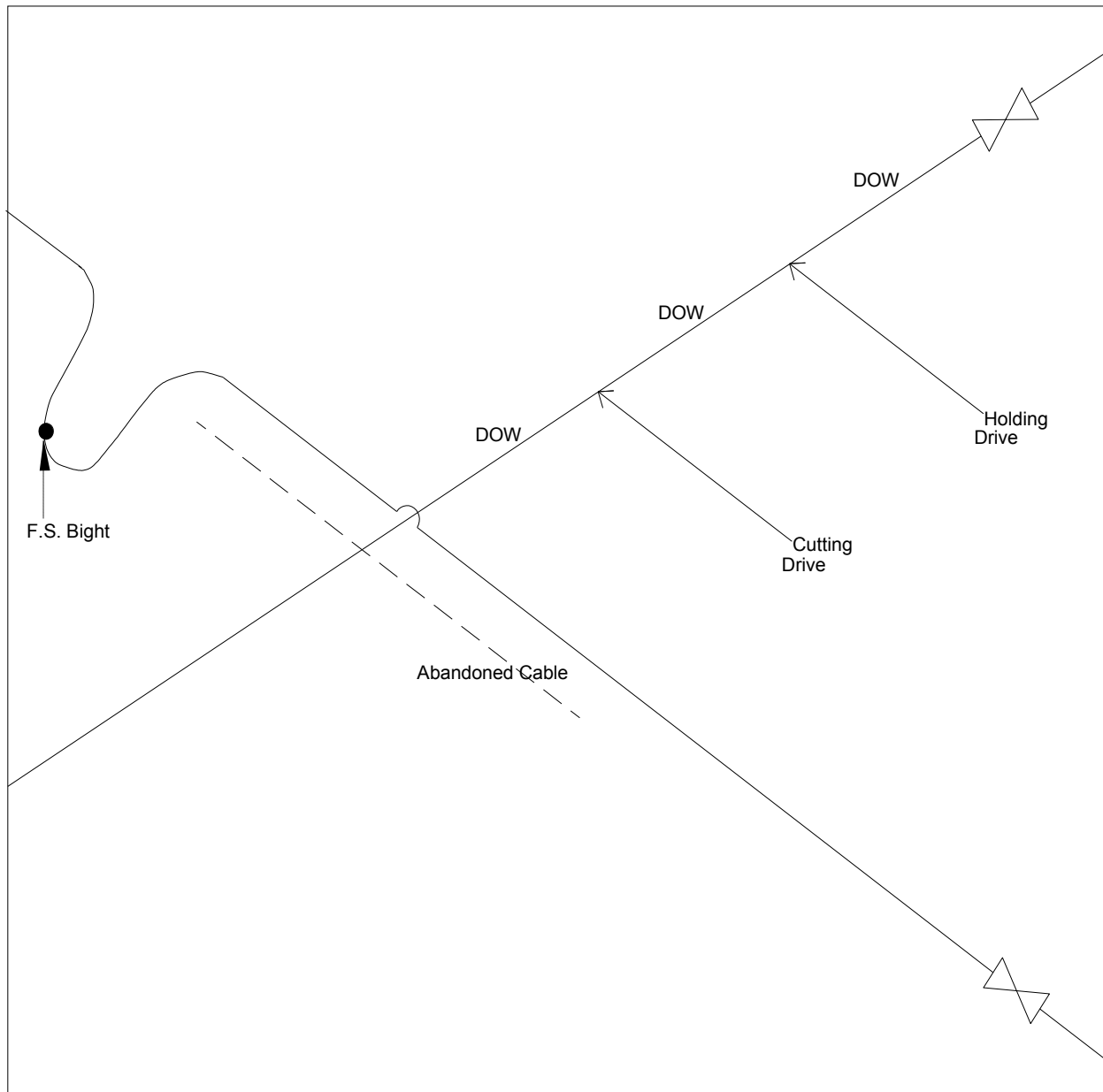
However, with the use of modern navigational equipment and lay/repair practices, these distances could be reduced to 2 times depth of water providing that two such crossings do not exist on either side of the repeater.

If a minimum of 2 times water depth cannot be maintained, then an alternative maintenance solution should be agreed between cable owners.

(See Diagram 1 on the following page)

Diagram 1

Similarly, a clearance of at least three times depth of water should be allowed between the crossing point and a repeater in the crossing system. This will ensure that, in the event of a repair to the crossed cable which results in that cable becoming the crossing cable, the repeater can be recovered should the cable have been cut close to the other end. (See diagram 2)

Diagram 2

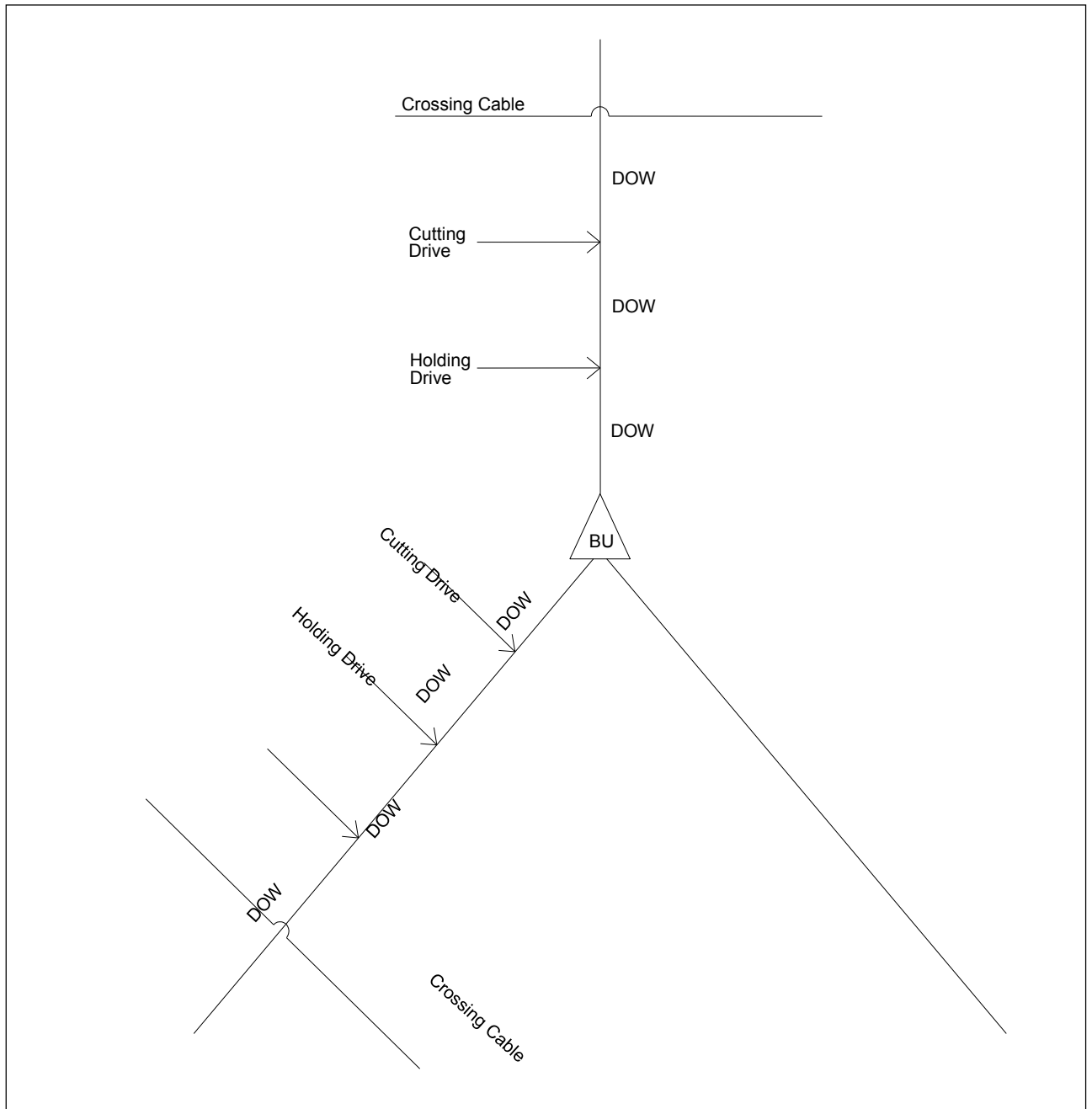
It should be noted that when repairs are carried out close to cable crossings, the planning process should ensure that the final splice is deployed well away from the crossing point and preferably in a direction away from the adjacent repeater, so that it least compromises future repairs in the same area. It should be recognised that practical operational considerations on the repair ground may mean the repair bight direction cannot always be laid away from the adjacent repeater.

It should also be noted that, whilst the clearance criteria of at least three times depth of water should be adequate in most circumstances, in very shallow water this may not be sufficient. For example, in 20m water depth grappling for the crossed cable only 60m from the crossing cable could result in that cable being disturbed: in this situation a clearance of a least 100m should be allowed.

2.7 Branching Units

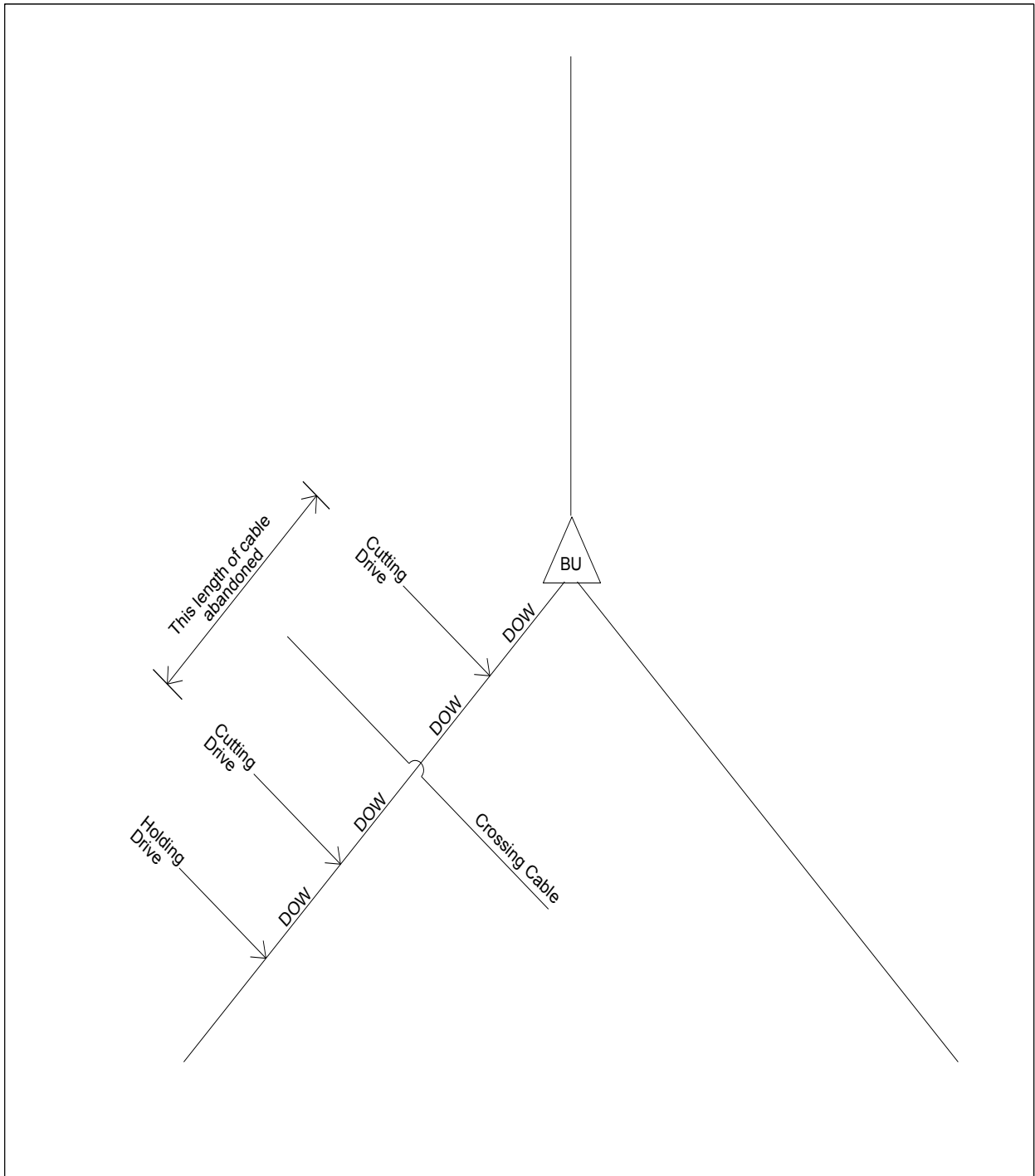
As with repeaters, a clearance of at least 3 times depth of water should be allowed along the main trunk of a branching unit to allow it to be recovered without endangering the crossing cable. The applicable depth of water being the crossing point or the branching unit, whichever is the greater. On the legs of a branching unit, the clearance recommended is 4 times depth of water. This is to allow room for a cutting drive followed by a holding drive to enable the legs to be buoyed off, whilst still keeping operations well clear of the crossing cable. (See diagram 3)

Diagram 3



Where other considerations are paramount, it is possible to cut down the clearance along the legs to twice depth of water, but if this is done then the cutting and buoys operation has to be undertaken outside the crossing point and in that case a length of cable equal to twice depth of water would have to be abandoned on each leg that was crossed. (See diagram 4)

Diagram 4



2.8 Burial Procedures

When it is necessary to cross a buried cable, then the following should apply.

The Maintenance Authority of the crossing cable should supply a copy of the procedures to be followed by its contractor during the crossing operation. This should include at least the following:

(i) Plough up/plough down positions.

These are conventionally 500m before and after the closest point of approach to the cable being crossed. In some circumstances it may be acceptable to reduce this clearance, following discussions with the Maintenance Authority of the crossed cable and the agreement of all parties involved in the installation process. For example the distance from plough up/plough down might be reduced for cables on the continental shelf where the route of the cable to be crossed has been positively identified and located during marine survey.

(ii) Plough position during the crossing.

The plough will normally be flown between the plough up and down positions, though the Maintenance Authority of the crossed cable may ask that the plough be on the deck of the installation ship at this time.

(iii) Post Lay Inspection

An ROV should inspect the crossing point to verify the position and ensure that the cable has been properly laid prior to any burial operations.

(iv) Post Lay Burial.

The cable between the plough up and plough down position will be buried by an ROV, either tracked or free-swimming. The procedure should detail how this will be done and how close the ROV will approach the cable.

If the crossed cable is not buried, permission may be sought to bury a short section at the crossing point, prior to burying the crossing cable.

If the crossed cable is buried, permission may be sought to bury the crossing cable to a shallower depth, leaving an agreed safety margin between the two cables so that there is no risk of the ROV fouling the lower cable.

Should burial not be possible at the crossing point, then cable protection by other methods, such as mattressing or rock dumping may be required.

After completion of the crossing operations, as-laid data should be provided to the owner of the crossed cable in the format and time frame agreed.

2.9 Cable Parallels

Where in service cables parallel one another, the distance between them shall be maintained at 3 times depth of water where possible. However, it is recognised that these separation distances may not be achievable in all circumstances when planning a cable and so the distances may be reduced. With the use of modern navigational equipment and lay/repair practices, these distances could be reduced to 2 times depth of water after consultation and agreement by all affected parties. In areas of high cable congestion, even a separation of 2 times water depth may not be achievable. In these cases, the

maintenance options for each cable should be assessed and agreed with each affected party.

In the case of multiple coastal or festoon type systems, the distance between parallel cables and the number of crossings shall not be ignored in order to reduce the system length. When close parallels are unavoidable because of routing constraints, the minimum spacing between parallel cables shall be determined after consultation with and agreement by all affected parties.

2.10 Shore-end Cables

Every endeavour shall be made to avoid unnecessary alter courses in the routing of shore-end cables. This approach will allow:

- a) The earliest possible launching of a cable plough, where the cable is to be buried into the seabed.
- b) Easier subsequent cable installations to be achieved without unnecessary cable crossings close to shore.
- c) Easier removal of the shore-end cable, should this be required for either permitting reasons or to allow a subsequent cable system to be installed, or for any other reason, after the cable system is withdrawn from service at the end of its service life.

2.11 Choke Points or Narrows

Where there is a feature, or series of features, which restricts the width of the corridor in which a cable must run, careful consideration shall be given to the positioning of the first and subsequent cables in order to maximise the utilisation of the available space.

The route chosen for the first and subsequent cables shall ensure that:

- a) A minimum number of cable crossings occur in the approach to, and departure from, a chokepoint or narrows.
- b) That the cables lie parallel to the maximum extent possible and the distance between cables is chosen with due regard to the installation of further cables through the same feature at some time in the future.
- c) The number of altercourse points shall be kept to a minimum.

2.12 Multiple Crossings

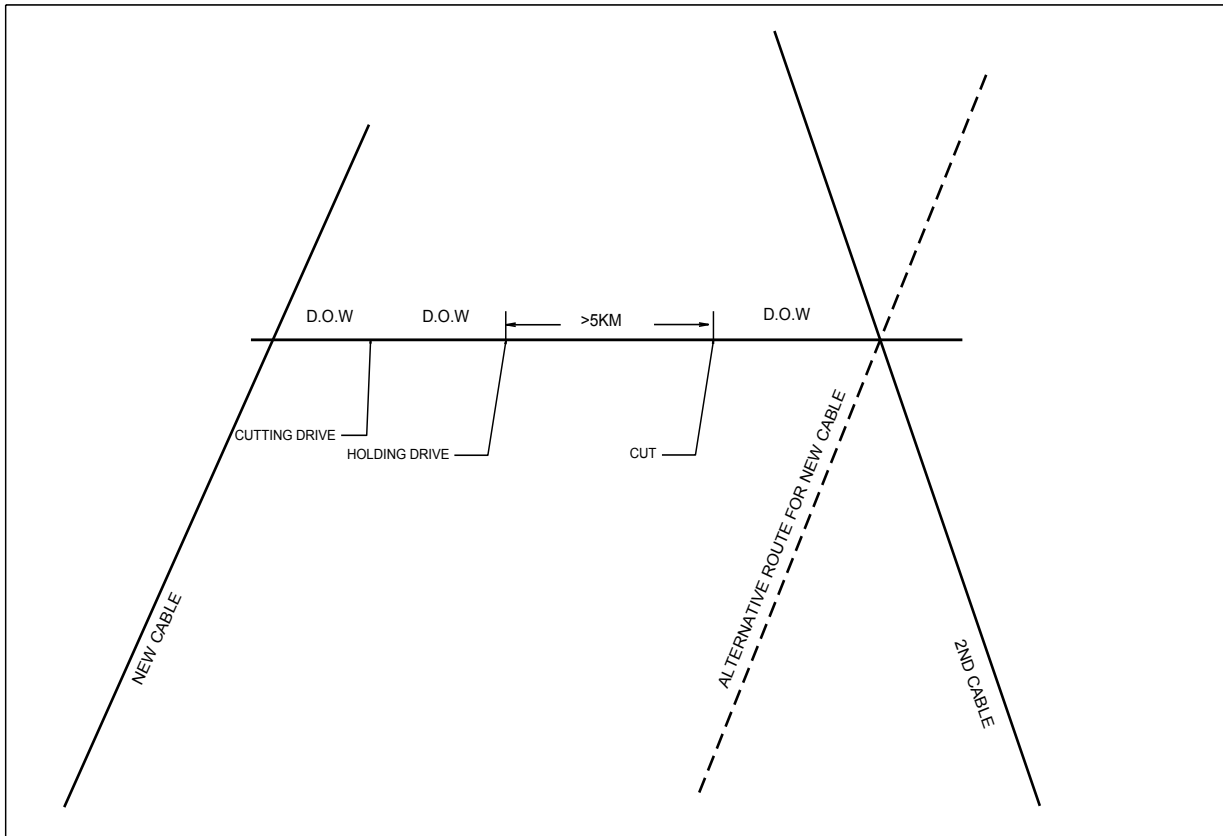
In deep water, crossings should be planned so that they are well away from existing cable crossings. However, where it is not possible to provide a sufficiently large separation, then it may be preferable to install the new cable over the existing crossing.

In the example below (see Diagram 5), a new cable is to be installed close to the crossing point of existing cables. If we assume 4,000m water depth throughout, and that generally in deep water the minimum cable length that can economically be recovered is 5 kms, it can be seen that the minimum clearance between the two cable-crossing points is 17kms. Anything less will effectively sterilise the cable between the two crossing points and render it unrecoverable.

In this case it would be preferable to install the new cable over the original crossing point.

Care should be taken when the original two cables cross at a relatively shallow angle as a third cable may make cable recovery close to the crossing point, during repairs, difficult: however even in this case, the cable unrecoverable at a multiple crossing may be less than would be so if the two crossings were separated.

Diagram 5



3. NOTIFICATIONS IN CONNECTION WITH NEW CABLE CONSTRUCTION OR REPAIRS

3.1. General

Advance notification of planned new cable routes, or repair operations, which will result in close parallels and/or crossings of existing cable routes, shall be made to the responsible Maintenance Authority for the existing cable system or to the Purchaser or Supply Contractor for cables in the process of being installed.

3.2. Contact List

A list, identifying maintenance or engineering contacts for every working cable system in the same general area as the new cable system, shall be established by the Maintenance Authorities of each of the cable systems. This list shall be periodically updated to reflect

current status and shall include telephone, facsimile and e-mail details of the nominated contacts. This list will be used to facilitate required notifications and to obtain existing cable positional data for use in new route planning.

3.3. Conflicts with Military and Government Cables

The organisation that has responsibility for planning the new cable system shall make all reasonable efforts to ensure the planned cable route does not conflict with military, government or any other submarine facilities. Additionally, consultation with other ICPC members that have cables in the area of planned installation could assist in locating appropriate military and government contacts.

3.4. Operational Notifications

The cable owner or Maintenance Authority will ensure that it is a requirement of the cable installation vessel or company to inform all relevant parties of the intention to cross 48 and 24 hours before the crossing and again 24 hours after the crossing.

4. REFERENCES

Document	Title
Submarine Cables: The Handbook of Law and Policy – Publishers: Martinus Hijoff (2014)	Chapter 11, Protecting Submarine Cables from Competing Uses

5. DEFINITIONS

The following words acronyms and abbreviations are referred to in this document.

Term	Definition
DoW	Depth of Water
FS	Final Splice
Maintenance Authority	The organisation responsible for the operation and maintenance of a particular submarine cable system
RPL	Route Position List
LW	Lightweight cable (unarmoured)
ROV	Remotely Operated Vehicle, an unmanned submersible robot

6. ATTACHMENTS

Document Number	Title
Recommendation No.2 Attachment No. 1.	ICPC Agreement to Cross Notification Template

ICPC Agreement to Cross Notification



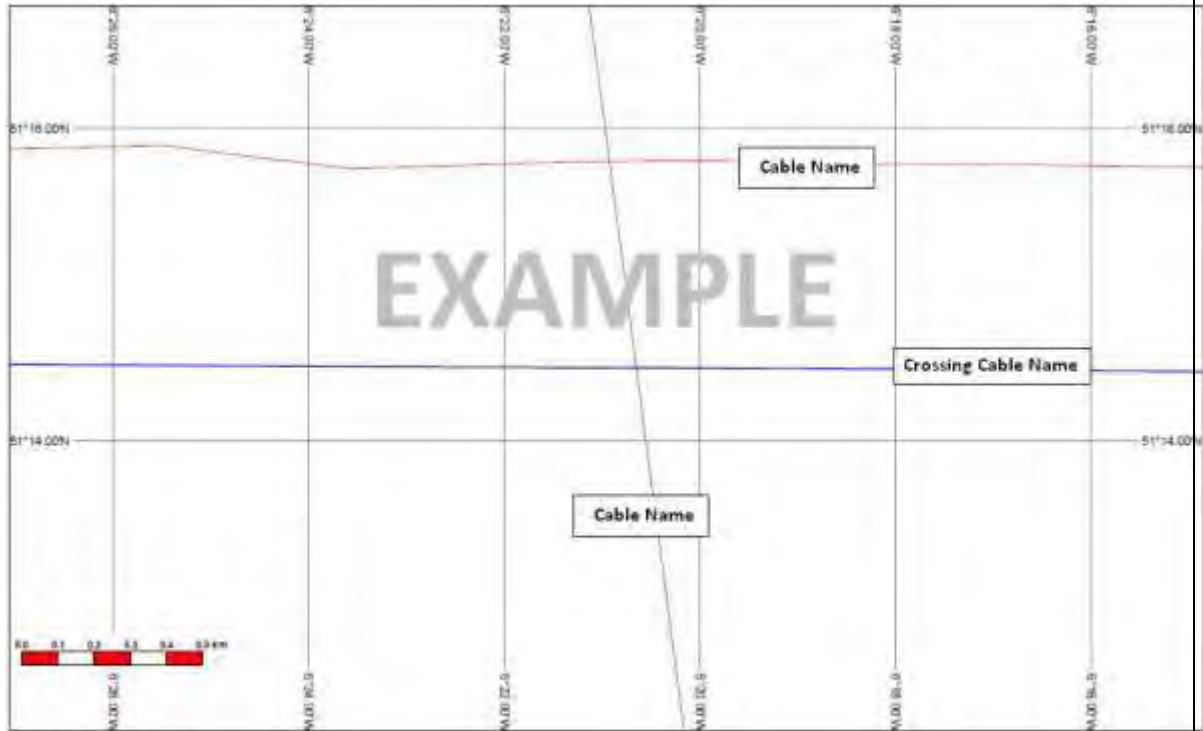
Planned Cable System Name: <i>(Name of new cable)</i>
Planned cable Owner: <i>(Company name and contact)</i>
Agreement to Cross Contact: <i>(cable owner or their agent, name contact details)</i>

ICPC Recommendation No2 Recommended Information Exchange

i)	Route Position List (RPL) for consideration: (either co-ordinate listing below or the name of a separate file attached)
ii)	Information Source for the crossed cable (Admiralty Chart, 3rd party database name or RPL provenance)
iii)	Depth of water at the crossing
iv)	Angle of cables crossing
v)	Cable armour type
vi)	Positions of any submarine plant within 3 x depth of water on both sides of the proposed crossing point.
vii)	Derivation of navigational data, including datums
viii)	Type of seabed in area of crossing

- ix) Burial information, if applicable, including the procedures to be followed by the Installer, when crossing the cable.

Crossing Chart



Min Angle: 82.13°
 Location: XX° 14.469° N ; XX° 20.648° W
 Water Depth: 103m
 Cable Type: Nexans Single Armour



Taranaki Regional Council
 Private Bag 713, Stratford 4352
 Email: at coastal@trc.govt.nz

22. April 2018

Submission by:
 Surfbreak Protection Society Inc
 Email address info@surfbreak.org.nz

Submission on the Proposed Coastal Plan for Taranaki

Introduction

Surfbreak Protection Society (SPS) is the leading National NGO on surf break protection, coastal processes and water quality that impacts on the cultural, environmental and social practices of coastal and inland communities, whose wider catchments flow to the wetlands and estuarine environments.

Our organisations core values are to protect surf breaks and coastal areas from adverse effects of inappropriate subdivision and development and to protect the hydrodynamic character of the swell corridor, seabed morphology and aquatic lifeforms. SPS maintain that science and coastal science is an essential tool to arrive at viable and sustainable alternatives and for the delivery of solution based decisions.

Background

SPS had substantial input into the New Zealand Coastal Policy Statement 2010, and participated in several recent second generation Regional Council Policy Statements in addition to taking part in a range of Local government hearings on environmental matters.

Surf breaks are a natural characteristic, and part of the natural character and landscapes, of the New Zealand coastline/coastal environment, of which there are few when compared to the total length of the New Zealand coastline¹.

¹ Scarfe (2008) states that there is only: "one surfing break every 39km to 58km. Many of these surfing breaks are only surfable a few days per month or year when the tide, wind and wave conditions are suitable."

Approximately 7% [310,000] of New Zealanders are estimated to “surf “on a regular basis². Surfing makes a valuable contribution to the wellbeing of New Zealanders by promoting health and fitness, cross cultural and intergenerational camaraderie and a sense of connection to, and respect for, New Zealand’s coastal environment and resources.

In terms of Part 2 RMA surf breaks, therefore, contribute to amenity values/recreational amenity and natural character of the coastal environment; surf breaks and surfing enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.

Submission

SPS do support parts of the Proposed Coastal plan and seek amendments on other parts. SPS has a number of concerns regarding the proposed plan such as below, but not limited to:

- Surf breaks
- Water quality
- Discharges
- Tangata Whenua

Surf breaks

SPS support policy 5.11 (d)(ii)(iii), policy 17(b). Support in part policy 18 and 19. SPS has concerns with Policy 18 (c) in that only seeks to maintain enhance significant amenity values by avoiding, remedying or mitigating adverse effects on surf breaks identified in Schedule 7. Policy 19(c) has a similar position in that only it uses the avoiding, remedying or mitigating adverse effects on surf breaks identified in Schedule 7 for locally significant surf breaks.

SPS considers with those two provisions worded in that manner, it fails to provide adequate protection to those local breaks that are not listed in the Schedule. In normal terms, those unlisted local breaks would fall into the provisions provided by Section 5(2)(c) RMA, but it appears that the clauses above removes that opportunity. SPS consider that there needs to be amendments to ensure that clauses are consistent with Sec 5 of the RMA.

SPS has concerns with Policy 19(b). While SPS recognise that regionally important infrastructure is necessary, Policy 19 clause (b) only provides for either mitigation or the activity to be remedied to all surf breaks outside the Significant Surfing area.

SPS seek to ensure that there is no impact to surf breaks on the controlled areas in rule 22, 26, 32, 37, 41, 49, Plus, SPS seek to have key surfing groups, representatives of representative body in the region as part of the stakeholders that would be part of any limited notification that could impact on the surf breaks or adverse impacts to coastal water, either from direct discharge or disturbance of coastal sediment.

² Figures sourced from SPARC

SPS support Section 6.6 clause 34. SPS seek to ensure that key surfing groups such as Surfing Taranaki, Opunake Boardriders, New Plymouth Surfriders, New Plymouth Surfriders and Waitara Bar Boardriders Club or representatives of those groups are part of the interest groups.

SPS supports setting aside the Significant Surfing Area and for the inclusion of Significant Local surf breaks in Schedule 7A but seek that the Significant Surfing Area be extended to include a larger area and more surf breaks be added to the locally significant list.

SPS also state that the use of economic instruments to mitigate adverse effects to surf breaks could be problematic and maintain that surf breaks are finite. Currently there are no manmade structures that can produce surf breaks; therefore it is imperative that existing breaks should be given a high priority of protection.

Water quality

SPS consider the provisions for water quality do not provide adequate protection of the awa and coastal areas. In Policy 12, action only takes place if there is a significant adverse effect. SPS submit that as the action is to just promote, the word significant should be deleted. SPS maintain that waiting till there is a significant effect, could impact on shellfish gathering, cultural activities and water based recreational activities.

Discharges

SPS support in part Section 5.2.1 Policy 22 but question what and how to measure “acceptable quality”. There does not appear to be a definition for acceptable quality. SPS support policy 23, 25, and 26. Policy 24 appears in conflict with the others and seems more permissive.

Tangata Whenua

SPS support policy 16 in its entirety and consider it is crucial to recognise and provide for Tangata Whenua. SPS support the inclusion of Sites of significance to Maori and associated values in the list of Schedules

Comment

SPS wish to be heard in support of our submission

Yours sincerely

Paul Shanks

President
Surfbreak Protection Society

Submission from the Ministry for Primary Industries on the Proposed Coastal Plan for Taranaki

Address for service of submitter	
Full name: Ministry for Primary Industries Contact Person: Andrea Kapoutsos (Plan Coordinator)	
Address for service of person making submission: PO Box 2526 Wellington 6140	
Email: rma@mpi.govt.nz Phone: 04 894 0316	
Trade competition	
Could you gain an advantage in trade competition through this submission? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
To be heard	
Do you wish to be heard in support of your submission? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Signature of submitter	
Signature:  Roger Smith, Chief Operations Officer	Date: 28/4/2018

Your submission should state:

- The specific provisions of the Proposed Plan to which the submission relates.
- The nature of the submission (in summary), whether you support or oppose the specific provisions or wish to have amendments made, giving reasons.
- The precise details of the decision you wish the Taranaki Regional Council to make.

The specific provision of the Proposed Coastal Plan that my submission relates to

Activity: Sampling, scraping and/or cleaning of biofouling from the part of a ship, moveable object or navigation aid that is normally below the water surface, involving the discharge of a substance into water in the coastal marine area and any associated: (a) deposition on the foreshore or seabed.

Rule: 9

Coastal Management Area: Port

Classification: Permitted

Standards/Terms/Conditions:

(a) the anti-foul coating on the ship has not exceeded its planned service life, as specified by the manufacturer, and the cleaning method is undertaken in accordance with the manufacturer's recommendations;

(b) where the ship, moveable object or navigation aid has travelled outside of the Taranaki coastal marine area since it was last cleaned, the cleaning or treatment method captures any biological material greater than 50µm in diameter that is released into the water column and this material is disposed of on land; and

(c) the Ministry for Primary Industries, or subsequent replacement Ministry, is advised immediately if a suspected invasive or nonindigenous aquatic species is encountered.

Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 13.

I support or oppose the above provision

- Support the above provision
- Support the above provision with amendments
- Oppose the above provision

My submission is that

MPI notes the changes made to the in-water cleaning sections (in line with our comments) since the draft plan came out and thanks the Council for making these changes.

In the meantime, however, MPI and DOC have been submitting on a number of other coastal plans (eg Greater Wellington Regional Council, Marlborough District Council). In the process of discussion with our scientists and advisors and other submitters, as well as with council staff during a series of pre-hearing meetings, we have refined how the wording from the Australian/New Zealand Anti-Fouling and In-Water Cleaning Guidelines (2013) (Guidelines) are translated into the rules of the RMA. This relates particularly to the descriptions of fouling. For example, feedback was that the terms from the Guidelines, "regional biofouling" and "domestic biofouling" are difficult to enforce legally, whereas the terms LOF 1, 2 etc are more easily defined for the purposes of the rules and regulations of the RMA.

Biofouling is divided into two categories in the Guidelines - microfouling and macrofouling - and the in-water cleaning requirements for each are different. So we have suggested wording to describe each one. We have separated out goose barnacles in our suggested rules because although they are macrofouling, they are so ubiquitous that they are treated in the same manner as a slime layer. Therefore MPI is suggesting that they can be cleaned without capture.

A full copy of our suggested wording for Rule 9 is attached to this submission as Appendix 1 for ease of reading.

Activity Description

First however, we wish to make a comment on the wording of the Activity Description.

MPI suggests that:

- the word “scraping” be deleted from the Activity description. Cleaning is a general description (scraping is only one type of cleaning), but more importantly, it is a method that should not be used with many types of antifoul coatings used on vessels.
- the description includes the words “in-water” to describe where the cleaning is taking place, and
- The word “involving” be replaced with the words “resulting in”.

Accordingly we recommend that the activity description reads: “ In-water cleaning of biofouling from the part of a ship, moveable object or navigation aid that is normally below the water surface resulting in a discharge of a contaminant into water in the coastal marine area and any associated: (a) deposition on the foreshore or seabed.”

Standards/Terms/ Conditions

The other suggestions, referred to briefly above, are:

- (a) that two new conditions be included between the existing conditions (a) and (b). The new conditions would read “microfouling may be cleaned without capture”; and “goose barnacles may be cleaned without capture”;
- that the existing condition (b) be replaced with the following two conditions (d) and (e)
 - “(d) macrofouling (other than goose barnacles) coverage on the ship, moveable structure or navigational aid shall be less than or equal to 2 on the Level of Fouling rank (Floerl et al (2005)1);

- (e) all biological material greater than 50 microns in diameter dislodged during cleaning (other than goose barnacles) shall be captured and disposed of at an approved landfill“;
- that the Council replace the existing condition (c) with the following words which become condition (f):
 - (f) if any person suspects that harmful or unusual aquatic species (including species designated as unwanted organisms or pests under the Biosecurity Act 1993) are to be found, that person shall take the following steps:
 - (i) any cleaning activities commenced shall cease immediately, and
 - (ii) the Taranaki Regional Council and the Ministry for Primary Industries shall be notified without unreasonable delay, and
 - (iii) the cleaning may not recommence until notified by the Ministry for Primary Industries and the Taranaki Regional Council to do so.

These other changes for the new condition (f) include

- replacing the words: “invasive or nonindigenous aquatic species” with the words “harmful or unusual aquatic species (including species designated as unwanted organisms or pests under the Biosecurity Act 1993)”. This is the same description MPI and DOC suggested in submissions to the Greater Wellington and Marlborough Councils and ensures alignment with the language of the RMA and Biosecurity Act 1993; and
- Adding: the Taranaki Regional Council staff to the list of those notified, as presumably they are usually notified; and
- Adding: a condition that “cleaning may not recommence until notified to do so by MPI and the Taranaki Regional Council”
- Adding a reference for the Level of Fouling Table (LOF) mentioned in the Rule.
- MPI also suggests that the following be added as notes for Rule 9 conditions to give more guidance for readers.
 1. For the purposes of the above, further guidance, is provided in the *Anti-Fouling and In-Water Cleaning Guidelines (June 2013)*.
 2. International vessels arriving into New Zealand waters will have additional obligations under the *Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand (May 2014)*.

Section 10: Definitions and Acronyms

- MPI suggests that the definition for “Biofouling” be expanded to add the following words after the words “aquatic environment”:

-“Microfouling” is a layer of microscopic organisms including bacteria and diatoms and the slimy substances they produce. Often referred to as a ‘slime layer’, microfouling can usually be removed by gently passing a finger over the surface.

-“Macrofouling” is any organism not included in the definition of “microfouling.”

I seek the following decision by Council

- Accept the above provision
- Accept the above provision with amendments as outlined
- Decline the above provision

The specific provision of the Proposed Coastal Plan that my submission relates to

Activity: Sampling, scraping and/or cleaning of biofouling from the part of a ship, movable object or navigation aid that is normally below the water surface, involving the discharge of a substance into water in the coastal marine area and any associated: deposition on the foreshore or seabed

Rule: 10

Coastal Management Area: Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast

Classification: Non complying

Policy Reference: General Policies 1 to 21 And Activity-based Policies 22, 28

I support or oppose the above provision

- Support the above provision
- Support the above provision with amendments
- Oppose the above provision

My submission is that

Activity Description

As for Rule 9, MPI suggests that:

- the word “scraping” be deleted from the Activity description. Cleaning is a general description (scraping is only one type of cleaning), but more importantly, it is a method that should not be used with many types of antifoul coatings used on vessels.
- the description include the words “in-water” to describe where the cleaning is taking place, and
- the words “involving” be replaced with the words “resulting in”.

Accordingly we recommend that the activity description reads: “In-water cleaning of biofouling from the part of a ship, moveable object or navigation aid that is normally below the water surface resulting in a discharge of a contaminant into water in the coastal marine area and any associated: (a) deposition on the foreshore or seabed.”

Activity based Policy 28

The Activity for Rule 10 makes reference to General Policies 1 to 21 And Activity-based Policy 28.

Activity based policy 28 is ‘Exploration or appraisal well drilling by an offshore installation or drilling ship, or directional drilling by a land based drilling rig, and placement of a well structures in, on, under or over the foreshore or seabed.’

It is encouraging to see that Policy 28 includes fixed as well as moveable structures.

I seek the following decision by Council

- Accept the above provision
- Accept the above provision with amendments as outlined
- Decline the above provision

The specific provision of the Proposed Coastal Plan that my submission relates to
Section 10: Definitions and Acronyms
I support or oppose the above provision
<input type="checkbox"/> Support the above provision <input checked="" type="checkbox"/> Support the above provision with amendments <input type="checkbox"/> Oppose the above provision
My submission is that
<ul style="list-style-type: none"> • MPI suggests that the definition for “Biofouling” be expanded to add the following words “aquatic environment”: -“Microfouling” is a layer of microscopic organisms including bacteria and diatoms and the slimy substances they produce. Often referred to as a ‘slime layer’, microfouling can usually be removed by gently passing a finger over the surface. -“Macrofouling” is any organism not included in the definition of “microfouling.”
I seek the following decision by Council
<input type="checkbox"/> Accept the above provision <input checked="" type="checkbox"/> Accept the above provision with amendments as outlined <input type="checkbox"/> Decline the above provision

Revised permitted activity rule for in-water cleaning of biofouling, as proposed by MPI and DOC.

Activity: In-water cleaning of biofouling from the part of a ship, moveable object or navigation aid that is normally below the water surface, resulting in the discharge of a contaminant into water in the coastal marine area and any associated:

- (a) deposition on the foreshore or seabed.

Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 13.

Rule: 9

Classification: Permitted

Standards/terms/conditions:

- (a) the anti-foul coating on the ship, moveable structure or navigational aid shall not have exceeded its planned service life as specified by the manufacturer, and the cleaning method shall be undertaken in accordance with the coating manufacturer's recommendations;
- (b) microfouling may be cleaned without capture;
- (c) goose barnacles may be cleaned without capture;
- (d) macrofouling (other than goose barnacles) coverage on the ship, moveable structure or navigational aid shall be less than or equal to 2 on the Level of Fouling rank (Floerl et al (2005)¹);
- (e) all biological material greater than 50 microns in diameter dislodged during cleaning (other than goose barnacles) shall be captured and disposed of at an approved landfill; and
- (f) if any person undertaking or responsible for the cleaning, suspects that harmful or unusual aquatic species (including species designated as unwanted organisms or pest species under the Biosecurity Act 1993) are present on the ship, structure or navigational aid, that person shall take the following steps:
 - i. any cleaning activities commenced shall cease immediately, and
 - ii. the Taranaki District Council and the Ministry for Primary Industries shall be notified without unreasonable delay; and
 - iii. the cleaning may not recommence until notified by the Council to do so, or in the event a designated unwanted organisms or pest species is found, notified to do so by the Ministry for Primary Industries.

Notes

1. For the purposes of the above, further guidance is provided in the *Anti-fouling and In-water Cleaning Guidelines (June 2013)*.

2. International vessels arriving into New Zealand waters have additional obligations under the *Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand (May 2014)*.

Footnotes

- 1 Defined in Floerl et al (2005) *A Risk-based Predictive Tool to Prevent Accidental Introductions of Nonindigenous Marine Species* as: Light Fouling - 1-5% of visible surface covered by very patchy macrofouling. Remaining area often covered in microfouling.

Your name

David Pearce

Organisation (if applicable)

Longview Limited

Address

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Daytime phone number

063465222

Email address

david.pearce@longview.co.nz

Could you gain an advantage in trade competition through this submission?

No

Do you wish to be heard in support of your application?

No

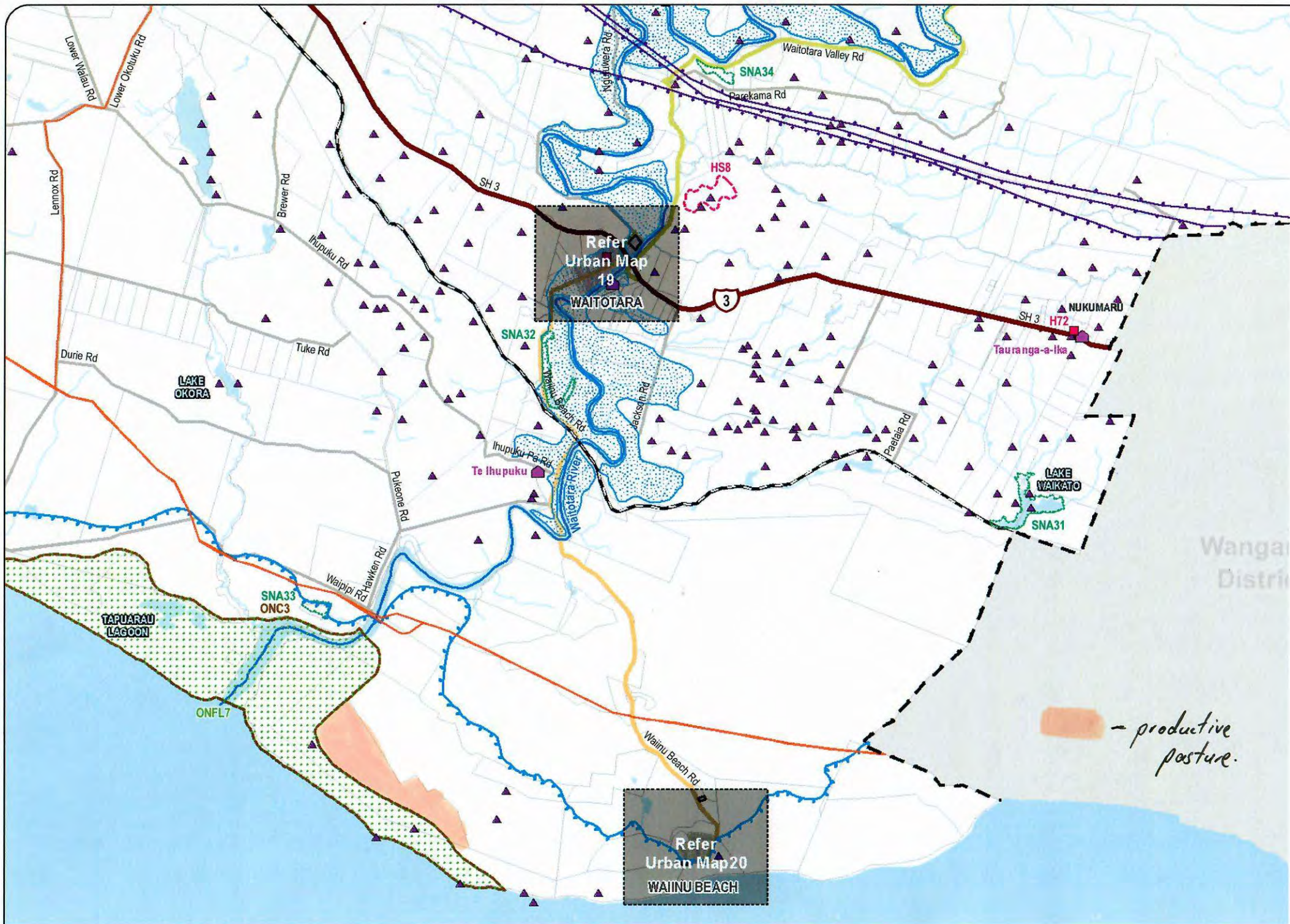
Your submission on the Proposed Plan

With respect, I submit that the area coloured orange/pink on the attached plan is not of such outstanding value, as a natural landscape, as is the adjacent hatched area. It is largely productive pastoral land and would be best not classified as having outstanding natural value. This would align its classification with that adopted by STDC. Regards, David Pearce.

Your comment on documents incorporated by reference in the Proposed Plan, as detailed in Schedule 9 (comment optional)**Document/file 1**

Waiinu-Coast-STDC-plan.pdf - [Download File](#)

Document/file 2**Document/file 3****Document/file 4**



Your name

Craig Williamson

Organisation (if applicable)

Surfing Taranaki

Address

PO Box 3364

Daytime phone number

0276874122

Email address

mail@surfingtaranaki.org

Could you gain an advantage in trade competition through this submission?

No

Do you wish to be heard in support of your application?

No

Your submission on the Proposed Plan

Surfing Taranaki would like to take this opportunity to thank the TRC and it's staff in particular for all the work they have done on this plan.

We wholeheartedly endorse and support the ongoing and further protection of even more of our treasured surf breaks, and the significant surfing area as proposed in this plan.

Your comment on documents incorporated by reference in the Proposed Plan, as detailed in Schedule 9 (comment optional)

Document/file 1

Document/file 2

Document/file 3

Document/file 4

The Taranaki Regional Council Proposed Coastal Plan

Plan Provision Ref No. / Page	Plan Provision Name	Support / Oppose	Relief sought	Reasons / Comments
2.1	Statutory and planning framework	In part	Add a commitment to integrated management of resources, include recognition of the role of District Plans and working with the TLAs of the region.	This section essentially outlines the Regional Council's statutory obligations and the Council is broadly supportive of its direction. The Council considers that this section could be enhanced by the addition of a commitment to integrated management in the form of recognition of the role of territorial local authorities and a commitment to working together.
4.0 Page 17	Objective 1 Integrated Management	In part	Better define 'Integrated Management' to identify the involvement of partner agencies such as TLAs and Iwi and working cooperatively with them in decision making, not just considering other regional planning documents.	The Council supports the Regional Council's commitment to integrated management but considers that it could be strengthened by direct reference to working cooperatively with territorial local authorities.
Policy 2 (e) & (g) Page 21	Integrated Management	In part	Strengthen the commitment to work with partner agencies such as TLAs and Iwi and working cooperatively with them in decision making.	The Council supports the Regional Council's commitment to integrated management but considers that it could be strengthened by direct reference to working cooperatively with territorial local authorities.
Policy 2(g)	Integrated management	Support	Retain as notified with the possible exception of the reference to Policy 15 which appears to be an error and possibly should refer to policy 16.	The Council supports this policy which promotes working collaboratively, but notes the cross reference to policy 15 which relates to historic heritage and suggests that referring o policy 16 which relates to relationships with tangata whenua may be more appropriate.

Policy 4	Extent and characteristics of the coastal environment	Support	Retain as notified.	The Council considers that it is important to clearly define the extent of the coastal environment to assist users with applying the plan.
Policies 5 to 11 Page 22 to 23	Use and Development of Resources	Support	Retain as notified.	Policies 5 to 11 relate to the use and development of resources and the protection, maintenance or enhancement of natural and historic heritage and values. The Council supports these policies.
Policy 14 Page 24	Indigenous Biodiversity	Support	Retain as notified.	The Council considers the protection of indigenous biodiversity in the coastal environment to be critically important, particularly biodiversity that is only found in the coastal environment.
Policy 16 Page 25	Relationship with Tangata Whenua	Support	Retain as notified.	The Council supports involving Iwi in resource consent processes related to this plan.
Policy 19	Surf breaks and Significant Surfing Area	Oppose	Amend policy 19 as follows: Avoid, remedy or mitigate significant adverse effects on: <u>or</u> Removal of reference to natural character and amenity values from Policy 19 e(2)	The Council considers that it is not appropriate to avoid <u>all</u> adverse amenity or natural character effects on the area stretching from South Taranaki's northern boundary to Cape Road and also near regionally significant surf breaks. Section 104 of the RMA requires councils to consider (<i>inter alia</i>) any relevant provisions of a plan or proposed plan. This means the Council when discharging its functions under the proposed South Taranaki District Plan 2015 would need to consider provisions in the proposed Regional Coastal Plan for Taranaki. Including this provision as it currently appears would make it very difficult for any activity that gives rise to <u>any</u> adverse effects on amenity or natural character to find support because the policy does not refer to any acceptable level of effects or provide for effects to be remedied or mitigated. This could potentially affect the provision of infrastructure supporting those surf breaks such as car parking and ablution facilities. Policy 16(b) of the New Zealand Coastal Policy Statement refers to managing other activities effects on access to and enjoyment of surf breaks. The Council's position is that

				Policy 19 seeks to provide a higher level of protection to a wider area than that identified in the New Zealand Coastal Policy Statement.
	Schedules			
Schedule 7	Significant Surfing Area	In part	Align inland edge of Significant Surfing Area with the coastline.	The Council considers that the significant surfing area should be restricted to areas where surfing can take place. If this area is the area where natural character and amenity effects are to be considered then this should be made clear.
Schedule 2	Coastal areas of Outstanding Value	Support	Alignment with proposed South Taranaki District Plan 2015.	The Council supports aligning areas with outstanding value with the proposed South Taranaki District Plan 2015 because it promotes consistency and ease of use for both documents.

SUBMISSIONS ON PROPOSED COASTAL PLAN FOR TARANAKI

To: Taranaki Regional Council
Private Bag 713,
STRATFORD 4352

Submissions on: Proposed Coastal Plan for Taranaki

Name: Meridian Energy Limited
PO Box 2146
CHRISTCHURCH 8140

Attention: Andrew Feierabend
Phone: (03) 03 357-9731
Mobile: 021 898 143
Email: andrew.feierabend@meridianenergy.co.nz

Meridian Energy Limited (Meridian) makes the general and specific submissions on the Proposed Coastal Plan for Taranaki (Proposed Plan) set out in the **attached** document.

Meridian wishes to be heard in support of its submission.

If others make a similar submission, Meridian will consider presenting a joint case with them at a hearing.

Meridian could not gain an advantage in trade competition through this submission.



Andrew Feierabend
Statutory and Compliance Strategy Manager
For and behalf of Meridian Energy Limited

27 April 2018

OUTLINE OF SUBMISSIONS

The submissions are structured under the following headings:

Part One: Overview and Background – Reasons for Submissions

1. Overview of Meridian
2. Electricity Generation Overview
3. Reasons for Submission

Part Two: Submissions

1. Section 4: Objectives
 2. Section 5: Policies
 - Section 5.1: General Policies
 - Section 5.1.1 Management of the coastal environment
 - Section 5.1.2 Use and development of resources
 - Section 5.1.3 Protection, maintenance or enhancement of natural, and historic heritage and values
 - Section 5.1.4 Public use and enjoyment
-

PART ONE – OVERVIEW AND BACKGROUND – REASONS FOR SUBMISSION

1. OVERVIEW OF MERIDIAN

- 1.1 Meridian Energy Limited (Meridian) is an electricity energy generator and retailer. It is New Zealand's biggest electricity generator and is committed to generating electricity from 100% renewable sources – predominantly from wind and water. Meridian generates approximately 30% of New Zealand's electricity from its integrated chain of power stations on the Waitaki River and at Lake Manapouri, which is the largest hydro power station in New Zealand, along with five wind farms around the country.
- 1.2 Meridian is an experienced and successful wind energy developer and generator. Meridian has developed, owns and operates a significant wind farm portfolio in New Zealand and Australia. In New Zealand these are; West Wind Wind Farm (143MW), Te Apiti Wind Farm (90MW), White Hill Wind Farm (58MW), Te Uku Wind Farm (64MW), and the Mill Creek Wind Farm (60MW). In Australia Meridian owns and operates the Mt Millar Wind Farm (70MW) in South Australia and Mt Mercer Wind Farm (131MW) in Victoria.

2. ELECTRICITY GENERATION OVERVIEW

- 2.1 As well as being New Zealand's largest generator of electricity, Meridian is also the country's largest generator of renewable energy.
- 2.2 There is scope to develop renewables in many parts of New Zealand. This strengthens the electricity system's responsiveness and avoids concentration of risk. Dispersed development means that each region can make a contribution to a national system, one that is greater than the sum of all its parts.

- 2.3 New Zealand has a high intensity wind resource by international standards and New Zealand wind farms tend to have capacity factors, double that of the international average. Wind generation tends to have a lower capacity factor (meaning it produces less energy per installed megawatt) than hydro or thermal generation. Wind farms compliment hydro generation well. However, when wind farms are generating, hydro inflows can be held in storage. When wind generation is low, reserved hydro capacity can make up for the shortfall. Wind variability tends to be over a few days, while hydro storage varies over a longer timeframe (typically six months), so wind and hydro together make an excellent combination for a secure supply of electricity.

Renewable Energy and Government Policy

- 2.7 The New Zealand Government recognises that the electricity sector plays a critical role in underpinning growth and is vital to achieving its objective of sustainable economic development.
- 2.8 The emissions trading scheme legislation is in force and will impose costs on electricity generators relying on fossil fuels. Such policies aim to reduce emissions and in doing so promote renewable energy generation.
- 2.9 The *New Zealand Energy Strategy 2011-2021* and the *New Zealand Energy Efficiency and Conservation Strategy 2011-2016* were approved in 2011. This is now complimented with the current government's aspirational, but achievable, target that 100 per cent of electricity generation should be from renewable sources by 2035 (in an average hydrological year) providing this does not affect security of supply. Meeting that target will require a significant increase in the amount of renewable electricity that is generated across New Zealand.
- 2.10 Relevant to the topic of electricity are two National Policy Statements prepared under the Resource Management Act 1991 ("RMA") being the National Policy Statement on Electricity Transmission (NPSET) 2008 and the National Policy Statement on Renewable Electricity Generation (NPS REG) 2011. The RPS and District Plans must give effect to these National Policy statements as required by section 62(3) of the Act.
- 2.11 The preamble to the NPSET notes that: "*ongoing investment in the transmission network and significant upgrades are expected to be required to meet the demand for electricity and to meet the government's objective for a renewable energy future, therefore strategic planning to provide for transmission infrastructure is required.*"
- 2.12 The objective of the NPS REG is "*to recognise the National significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such as the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's National targets for renewable electricity generation.*"

2.13 The NPS REG also:

- recognises the benefits of renewable electricity generation activities;
- acknowledges the practical limitations of achieving New Zealand's target for electricity generation from renewable resources;
- acknowledges the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities in particular the need to locate the renewable electricity generation activity where the renewable energy resource is available;
- seeks to manage reverse sensitivity effects on renewable electricity generation activities;
- seeks the incorporation of provisions for renewable electricity generation activities into regional policy statements and regional and district plans; and
- provides for the development, operation, maintenance and upgrading of existing and new hydro-electricity resources.

2.14 In addition to the Government initiatives outlined above, sections 7(i) and 7(j) of the RMA expressly require all persons exercising functions and powers under it to have particular regard to the effects of climate change and the benefits to be derived from the use and development of renewable energy. These include having particular regard to these matters in the preparation of regional and district planning documents.

2.15 Meridian submits that these matters should be taken into account to ensure there is an enabling policy framework for the on-going operation and development of existing renewable generation assets as well as the construction of new renewable generation when reviewing Regional Plans.

2.16 Meridian is firmly committed to playing a strong role in helping New Zealand meet targets for renewable energy and in assisting local communities to meet their energy needs in a way that is sustainable and seeks to minimise adverse effects on local natural and physical resources.

3. REASONS FOR SUBMISSION

3.1 Meridian's interest in the Proposed Coastal Plan for Taranaki relates to its interest in renewable energy generation in the Taranaki Region.

3.2 Meridian is interested in the proposed Plan from the perspective of both the consented and future electricity generation resources. Electricity generation is a key opportunity and resource management issue for the Taranaki Region. Future generation capacity will be required to meet and support the Region's future growth and development.

PART TWO – SUBMISSIONS

The specific provisions of the Proposed Coastal Plan for Taranaki (“the Proposed Plan”) that these submissions relate to are set out in the following table.

Table: Meridian Energy Limited – Submission Points to the Proposed Coastal Plan for Taranaki

	Section of Proposed Plan	Support/ Oppose	Reasons	Decision Requested
SECTION 4 OBJECTIVES				
Objective 1	Integrated management	Oppose in part	<p>The objective refers to “<i>the effects of use and development on land, air and fresh water, is carried out in an integrated manner</i>”. This wording does not accurately not reflect Policy 4(c)(i) of the New Zealand Coastal Policy Statement (NZCPS) on Integration, which requires particular consideration of situations where “<i>subdivision, use, or development and its effects above or below the line of mean high water springs will require, or is likely to result in, associated use or development that crosses the line of mean high water springs</i>”.</p>	<p>Amend Objective 1 to read as follows:</p> <p>Objective 1: Integrated management <i>Management of the coastal environment, including the effects of <u>subdivision</u>, use and development on land, air and fresh water, is carried out in an integrated manner.</i></p>
Objective 3	Reverse sensitivity	Oppose in part	<p>The objective refers to “<i>is protected from new or inappropriate use and development in the coastal environment</i>”.</p> <p>The s32 report states that this objective gives effect to Objective 6 of the NZCPS. This wording of proposed Objective 3 does not accurately reflect Objective 6 of the NZCPS, which requires councils to enable people and communities to provide for their social, economic and cultural well-being, and their health and safety, “<i>subdivision, use, and development</i>”.</p> <p>It is noted that Policy 7(1)(b) of the NZCPS also states that in preparing regional policy statements and plans the Council should:</p>	<p>Amend Objective 3 to read as follows:</p> <p>Objective 3: Reverse sensitivity <i>The use and ongoing operation of nationally and regionally important infrastructure and other existing lawfully established activities is protected from new or inappropriate <u>subdivision</u>, use and development in the coastal environment.</i></p>

			<p>“(b) identify areas of the coastal environment where particular activities and forms of subdivision, use and development:</p> <p>(i) are inappropriate; and</p> <p>(ii) may be inappropriate without the consideration of effects through a resource consent application, notice of requirement for designation or Schedule 1 of the Act process;</p> <p>and provide protection from inappropriate subdivision, use, and development in these areas through objectives, policies and rules.”</p> <p>It is therefore considered that proposed Objective 3 should refer to “subdivision, use and development, so that it is consistent with the NZCPS.</p>	
Objective 6	Natural character	Oppose in part	<p>The words in the Objective “<i>and is restored where appropriate</i>” should be deleted as Proposed Policy 10: Restoration of Natural Character more appropriately addresses the issue. It is also considered that the objective should be amended to refer to ‘subdivision’ in addition to ‘use and development’, so that it better reflects the wording in NZCPS Policy 13(1), which states “<i>To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development</i>”.</p>	<p>Amend Objective 6 to read as follows:</p> <p>Objective 6: Natural character <i>The natural character of the coastal environment is preserved and protected from inappropriate <u>subdivision</u>, use and development and is restored where appropriate.</i></p>
Objective 7	Natural features and landscapes	Oppose in part	<p>It is considered that the objective should be amended to refer to ‘subdivision’ in addition to ‘use and development’, so that it better reflects the wording in NZCPS Policy 15 which states “<i>To protect the natural features and natural landscapes (including</i></p>	<p>Amend Objective 7 to read as follows:</p> <p>Objective 7: Natural features and landscapes <i>The natural features and landscapes of the coastal environment are protected from inappropriate <u>subdivision</u>, use and development.</i></p>

			<i>seascapes) of the coastal environment from inappropriate subdivision, use, and development: ..."</i>	
Objective 11	Historic heritage	Oppose in part	It is considered that the objective should be amended to refer to 'subdivision' in addition to 'use and development', so that it better reflects the wording in NZCPS Policy 17 which states " <i>Protect historic heritage in the coastal environment from inappropriate subdivision, use, and development by: ...</i> "	Amend Objective 11 to read as follows: Objective 11: Historic heritage <i>Historic heritage in the coastal environment is protected from inappropriate <u>subdivision</u>, use and development.</i>
Objective 13	Coastal hazard risk and public health and safety	Oppose in part	It is considered that the objective should be amended to refer to 'subdivision' in addition to 'use and development', so that it better reflects the wording in NZCPS Policy 25: Subdivision, use, and development in areas of coastal hazard risk. Objective 13 is supported by Policy 20: Avoidance of increasing coastal hazard or public safety risk. This policy is contained within Section 5.1, which (as is explained on Page 19 of the Proposed Plan) includes general or overarching policies that are applicable to the wider coastal environment, including the coastal marine area. It is therefore considered that the objective should be amended to refer to the 'coastal environment' rather than the coastal marine area only.	Amend Objective 13 to read as follows: Objective 13: Coastal hazard risk and public health and safety <i>The risk of social, cultural, environmental, and economic harm from coastal hazards is not increased and public health, safety and property is not compromised by <u>subdivision</u>, use and development of the coastal <u>environment marine area</u>.</i>

SECTION 5 POLICIES

Section 5.1 General Policies

Section 5.1.1 Management of the coastal environment

<p>Policy 1</p>	<p>Coastal management areas</p>	<p>Oppose in part</p>	<p>Policy 1 sits under Section 5.1.1 of the Proposed Plan (page 20) which is named “Management of the coastal environment”. The introductory comments under Section 5.1 General policies state that “<i>This section provides the overall direction for achieving integrated management of significant values and matters in the coastal environment (i.e. both the coastal marine area and areas where coastal processes, influences or qualities are significant) in order to achieve the objectives of this Plan</i>”.</p> <p>The first paragraph of Policy 1 refers to managing the ‘coastal marine area’. The policy should be amended by replacing the words ‘coastal marine area’ with ‘coastal environment’.</p>	<p>Amend the first paragraph of Policy 1, to read as follows:</p> <p>Policy 1: Coastal management areas</p> <p><i>Manage the coastal marine area environment in a way that recognises that some areas have values, characteristics or uses that are vulnerable or sensitive to the effects of some activities, or that have different management needs than other areas. [...]</i>”</p>
<p>Policy 2</p>	<p>Integrated management</p>	<p>Oppose in part</p>	<p>Clause (b) of Policy 2 refers to implementing policies, methods and rules “<i>in other regional plans</i>” in relation to management adverse effects associated with diffuse and direct discharges to freshwater and air, and soil disturbance. As clause (b) is currently written, it could be interpreted as referring to regional plans outside the Taranaki Region. The policy should be amended to clarify that it is referring to regional plans for Taranaki.</p> <p>Similar to clause (b), clause (e) of Policy 2 refers to “<i>in other regional or district plans</i>”. The clause should be amended to clarify that it is referring to regional or district plans for the Taranaki region.</p>	<p>Amend clauses (b) and (e) of Policy 2 as follows:</p> <p>Policy 2: Integrated management</p> <p>(b) <i>implementing policies, methods and rules in other regional plans for <u>Taranaki</u> in relation to managing adverse effects associated with diffuse and direct discharges to freshwater and air, and soil disturbance.</i></p> <p>[...]</p> <p>(e) <i>considering the effects of activities in the coastal marine area on outstanding natural features and landscapes or areas of outstanding natural</i></p>

			<p>Clause (c) of Policy 2 refers to “cross-media effects”. It is unclear what this means, as there is no definition provided in the chapter ‘Definitions and acronyms’ and there are no explanations provided with any of the policies in the Proposed Plan to clarify.</p>	<p><i>character identified in other regional or district plans for the Taranaki Region.</i></p> <p>Amend clause (c) of Policy 2 to clarify what is meant by ‘cross-media effects’.</p>
Policy 3	Precautionary approach	Support	<p>Policy 3 is to adopt a precautionary approach, which may include using an adaptive management approach, where the effects of any activity on the coastal environment are uncertain, unknown, or little understood, but potentially adverse.</p> <p>It is suggested that MEL support this policy as it allows flexibility in decision-making on applications.</p>	To retain Policy 3 as publicly notified.
Section 5.1.2 Use and development of resources				
Policy 5	Appropriate use and development in the coastal environment	Oppose in part	<p>It is considered that Policy 5 should be amended to refer to ‘subdivision’ in addition to ‘use and development’, so that it better reflects the wording in NZCPS Policy 25: Subdivision, use, and development in areas of coastal hazard risk.</p>	<p>Amend Policy 5 as follows:</p> <p><i>Policy 5: Appropriate <u>subdivision</u>, use and development in the coastal environment</i></p> <p><i>Determine whether <u>subdivision</u>, use and development of the coastal environment is in an appropriate place and form and within appropriate limits by having regard to: [...]</i></p>
Policy 6	Activities important to the well-being of people and communities	Support	<p>Policy 6 is to recognise and provide for new and existing infrastructure of regional importance or of significance to the social, economic and cultural well-being of people and communities in Taranaki, subject to appropriate management of adverse environmental effects.</p>	To retain Policy 6 as publicly notified.
Policy 7	Impacts on established operations and activities	Support	<p>Policy 7 is to avoid, remedy or mitigate adverse effects of activities, including reverse sensitivity impacts, on existing lawfully established activities.</p>	To retain Policy 7 as publicly notified.

Section 5.1.3 Protection, maintenance or enhancement of natural, and historic heritage and values

<p>Policy 9</p>	<p>Natural character and natural features and landscapes</p>	<p>Oppose in part</p>	<p>Policy 9(a) states the following: <i>“Protect all other areas of the coastal environment not identified in Schedule 2 by:</i></p> <p>(a) <i>avoiding significant adverse effects, and avoiding, remedying or mitigating other adverse effects on natural character and natural features and landscapes by having regard to the extent to which the activity:</i></p> <p>(i) <i>contributes to the enhancement or restoration of natural character;</i></p> <p>[...]</p> <p>(vi) <i>maintains the integrity of historic heritage;”</i></p> <p>It is considered that Policy 9(a)(i) should be amended so it refers to <i>“maintains or contributes to the enhancement or restoration of natural character”</i>, as the current wording suggests that natural character must be enhanced or restored, which is not consistent with Policy 14 of the NZCPS or Policy 10 of the Proposed Plan (which is to promote the restoration or rehabilitation of natural character in the coastal environment).</p> <p>Policy 9(a)(vi) refers to historic heritage, which is not relevant to the policy, which relates to natural character and natural features and landscapes. Clause (a)(vi) should be deleted. Furthermore, Policy 15 already covers matters relating to historic heritage, so clause (a)(vi) is unnecessary.</p>	<p>Amend clause (a)(i) of Policy 9 as follows: Policy 9: Natural character and natural features and landscapes</p> <p>(a) <i>avoiding significant adverse effects, and avoiding, remedying or mitigating other adverse effects on natural character and natural features and landscapes by having regard to the extent to which the activity:</i></p> <p>(i) <i><u>maintains or</u> contributes to the enhancement or restoration of natural character;</i></p> <p>[...]</p> <p>(vi) <i>maintains the integrity of historic heritage;</i></p>
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Policy 15	Historic heritage	Oppose in part	It is considered that Policy 15 should be amended so that it refers to protecting historic heritage in the coastal environment from inappropriate subdivision, use and development, so that it is consistent with Policy 17 of the NZCPS.	Amend Policy 15 as follows: Policy 15: Historic heritage <i>Protect historic heritage in the coastal environment from inappropriate <u>subdivision</u>, use and development by: [...]</i>
Section 5.1.4 Public use and enjoyment				
Policy 17	Public access	Oppose in part	It is considered that Policy 17 should be amended so that it refers to the 'coastal marine area', instead of the 'coastal environment', otherwise it would be more stringent than Policy 19 of the NZCPS, which is considered to be unreasonable and inappropriate. It is also unclear what sort of conflict clause (c)(vii) of Policy 17 is referring to, where it states: "(vii) avoid or reduce conflict between public uses of the coastal marine area and its margins". It is considered that the intention of this clause needs to be clarified.	Amend Policy 17 as follows: Policy 17: Public access <i>Maintain and enhance public access to, along and adjacent to the coastal environment marine area by: [...]</i> Amend clause (c)(vii) of Policy 17 to clarify what sort of conflict it seeks to avoid or reduce between public uses of the coastal marine area and its margins.
Policy 18	Amenity values	Oppose in part	Clause (d) of Policy 18 is to maintain and enhance significant amenity values by avoiding, remedying or mitigating adverse effects on historic heritage sites including those identified in Schedule 5. It is considered that clause (d) should be deleted as historic heritage sites do not necessarily have amenity values, and appropriate historic heritage matters are already covered under Policy 15 of the Proposed Plan.	Delete clause (d) of Policy 18.
Policy 19	Surf breaks and	Oppose in part	Clause (c) of Policy 19 is to protect surf breaks and their use and enjoyment from the adverse effects of other activities by avoiding, remedying or mitigating	Amend the Proposed Plan Planning Maps to show the locations of Locally Significant Surf Breaks.

	<p>Significant Surfing Areas</p>		<p>adverse effects on all locally significant surf breaks listed in Schedule 7. However, the locally significant surf breaks listed in Schedule 7 are only named and are not identified on the Proposed Plan Planning Maps. Therefore, unless the plan reader has some local knowledge of where these surf breaks are located, it is impossible to know whether clause (c), and related clause (e) (which requires regard to be had to effects on access to surf breaks and other qualities of surf breaks, including natural character, water quality and amenity values) are applicable.</p>	
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Proposed Coastal Plan for Taranaki, 2018

Submission by Climate Justice Taranaki Inc., 27 April 2018

Introduction

1. Climate Justice Taranaki (CJT)¹ welcome the opportunity to provide the Taranaki Regional Council with comments on the Proposed Coastal Plan for Taranaki. We are a community group of residents from in and around Taranaki who are concerned about climate change, its root causes and the social injustice associated with it. Our core members have background in environmental science and marine ecology. We have been an incorporated society since 2015.
2. CJT submitted on the Draft Coastal Plan for Taranaki in November 2016². A few of our comments were addressed in the Proposed Plan but many remain outstanding, as reflected in this current submission.

Mana whenua

3. It is our understanding that Ngāti Maru has a mandate to negotiate with the Crown already. This needs to be updated in the plan (section 1.6). We note that Ngāti Maru is not included in Schedule 5B (Sites of significance to Māori). We urge the Council to work with Ngāti Maru when developing and implementing the plan.
4. Many hapū and iwi still oppose Crown authority over land and sea. The Foreshore and Seabed Act 2004, which extinguished customary Māori property rights to the coastal areas, and the subsequent Marine and Coastal Area (Takutai Moana) Act 2011, are recent examples of legislation that demonstrate the on-going debate as to who controls the coast and sea. It is our understanding that all iwi of Taranaki made applications in the High Court for legal recognition of their customary rights in te takutai moana (the marine and coastal area). These applications were due one year ago, on 3rd April 2017. Approximately 380 applications for Crown engagement were received from across Aotearoa. The Taranaki applications can be seen on the Ministry of Justice website³.

Coastal Management

Appropriate use and development

5. CJT suggest updating the paragraph “*Appropriate use and development*” (p.13 of plan) to reflect the central government’s recent announcement^{4,5} of no new offshore (EEZ and territorial waters) oil and gas exploration permits and restricting new permits to only onshore Taranaki over the next three years. While Taranaki has been “*one of the most important mineral producing regions...*” the government has signalled an end to further exploration and a beginning to transition away from fossil fuels.
6. A new Westpac NZ research report⁶ showed that “*NZ can decarbonise towards a two-degree target while achieving economic growth*” and an early and smooth transition “*would create \$30 billion more GDP through to 2050 than the shock scenario.*” The Council of Trade Unions⁷ including E tū⁸ and South Taranaki iwi Ngāti Ruanui⁹ have all openly announced their readiness to start a just transition to low carbon economy.

Coastal hazards and climate change

7. There is no doubt that climate change and sea level rise are heightening the risk of coastal hazards^{10,11}. We ask that the statement be strengthened to “*The risk of, or vulnerability to, coastal*

hazards ~~may~~ increase over time due to climate change and sea level rise” (p.15). Climate change has already been identified as the cause of a 379 percent increase in sewage overflows¹² last year, as ageing infrastructure were unable to cope with record rains, threatening coastal water quality. In terms of coastal hazards, it is crucial to be kept up-to-date and flexible in terms of vulnerability assessments and management, because extreme events are occurring more frequently and intensely, as a result of climate disruption. What was previously considered a 1-in-500-year event is becoming a 1-in-100-year event, a 1-in-20-year event, and could eventually become the norm^{13,14}.

8. A recent Ministry for the Environment report titled Adapting to Climate Change (MfE, 2017)¹⁵ pointed out, “Given the long lifetime of infrastructure, it is important that climate change adaptation is factored into infrastructure decisions now... However, overall there is limited evidence of proactive action that reduces medium and long-term risks... In the majority of cases, councils do not have a plan for how to go about climate change adaptation...”

Policies

Integrated management

9. CJT fully support the emphasis on integrated management. We suggest expanding Policy 2(g) to include working collaboratively with government departments and authorities (e.g. EPA) to avoid, mitigate and manage any potential impacts from activities proposed/conducted in the Exclusive Economic Zone (e.g. seabed and petroleum mining), on Taranaki’s coastal environment.

Regional Rules

Petroleum dispersant use

10. Rule 4: As stated in our 2016 submission on the Draft Coastal Plan, we do not support the use of petroleum dispersant in any of the Coastal Management Areas (CMAs) and certainly not as a Permitted activity. Two of the dispersants that have been approved for use by Maritime NZ¹⁶, Corexit 9500 and Corexit 9527, are extremely toxic¹⁷ to humans and the environment, and even more toxic when combined with crude oil. We submit that the use of the above-mentioned and other toxic petroleum dispersants be Prohibited in all CMAs. The use of non-toxic dispersants may be Discretionary.

Untreated human sewage discharges

11. Rule 5: We strongly support that any untreated human sewage discharges be Prohibited in all CMAs.

Wastewater treatment plant discharges

12. Rule 6: We are strongly opposed to allowing existing wastewater discharge that contains human sewage into any CMA, after its consent expires. We submit that once existing consents expire, the activity be Prohibited in all CMAs, considering its impact on the environment, on Maori rights and interest, the operational problems associated with such facilities, the duration of some existing discharge consents and advancement in wastewater treatment technology.
13. Our 2016 submission gave clear explanations to our argument on the subject of wastewater discharge, based on the lessons learnt from Waitara. Moreover, the risk of Norovirus¹⁸ outbreaks through sewage-contaminated produce is real, as shown by the presence of Norovirus in shellfish collected near the marine outfall in Hawera in August 2017¹⁹. While the NPDC Wastewater Treatment Plant upgrade in recent years has significantly reduced the levels of GI and GII Norovirus in the plant effluent, low levels of Norovirus GII were detected in mussels collected from the Waiwhakaiho Reef during May 2017²⁰. Crucially, mussels and other filter feeding molluscs are

efficient at concentrating Norovirus which can be retained in their flesh for up to 8-10 weeks. Only low concentrations of Norovirus are required to pose a high risk of infection in humans²¹.

14. Rules 7 & 8: We are strongly opposed to allowing new wastewater discharge that contains human sewage (treated or untreated) into any CMA. We submit that all new wastewater discharge containing human sewage be Prohibited in all CMA.

Sampling and cleaning biofouling

15. Rule 10: We support that any discharges from biofoul cleaning into all CMAs except the Port, be Non-complying.

Seismic surveying and bathymetric testing

16. Rule 12: We are strongly opposed to further petroleum prospecting and exploration. We submit that all seismic surveying for petroleum in any CMA be Prohibited because of the need to stop any further fossil fuel exploration and extraction in order to minimize climate disruption and to avoid harm to marine ecosystems and threatened species. On 27th February 2018, following our complaint to the Advertising Standards Authority²² re PEPANZ's seismicsurvey.co.nz website, PEPANZ revised its claims. Our complaint highlighted the harm from seismic surveys on marine ecological communities and on marine mammal species. Currently, offshore seismic survey activities are poorly regulated and renowned marine scientists, notably Prof Liz Slooten and Dr. Leigh Torres, have both criticized the effectiveness of the Code of Conduct developed by the Department of Conservation. A petition²³, demanding a halt to all seismic testing in Taranaki Moana has gathered almost 12,000 signatures. On 30th November 2017, the Iwi Chairs Forum, involving all of the Taranaki iwi, unanimously passed a resolution, opposing all seismic testing and oil exploration across all NZ waters²⁴.

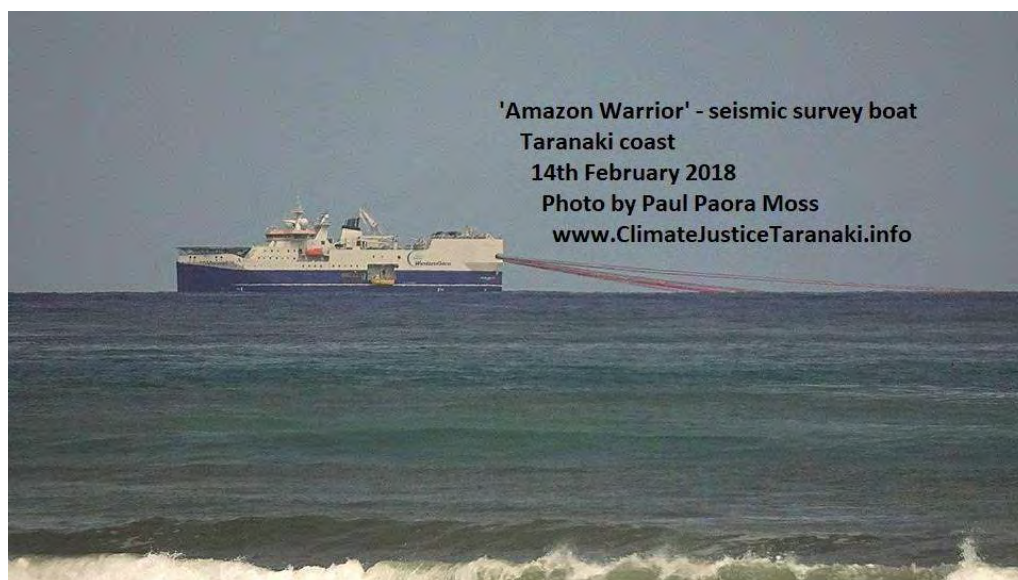


Photo: Seismic survey vessel 'Amazon Warrior', taken from Te Ikaroa, near Cape Egmont, on 14th February 2018, by Paul Paora Moss.

Other discharges to water or land not provided for in Rules 1 to 12

17. Rules 13 & 14: We are very concerned about these two 'catch-all' rules and seek clarifications and examples of the types of contaminants that fall under these. Are they designed to capture contaminant discharge from industrial facilities such as Fonterra Whareroa and Methanex plants?

18. Fonterra Whareroa holds a consent²⁵ to discharge up to 40,000 cubic metres/day of dairy factory wastewater via a marine outfall, shared by South Taranaki District Council, for the discharge of municipal wastes including meat processing wastes. In 2014-2015, seven unauthorised incidents occurred, resulting in consent breaches. In 2015-2016, three incidents were recorded and resulted in two infringement notices being issued²⁶. Methanex Motunui Ltd holds a consent (3400-2)²⁷ to discharge up to 12,096 cubic metres per day of effluent, containing hydrocarbons, methanol, 13 different treatment chemicals (including 600 kg of the coagulant Klaraid PC 1190P, 400 kg of Cortrol OS7780, 300 kg of Inhibitor AZ8104, 300 kg of Continuum AEC3109 and 20 kg of Spectrus CT1300, etc) and other contaminants into the Tasman Sea via the Waitara marine outfall. Cortrol OS7780²⁸ is very toxic to aquatic organisms, and there is limited evidence of it being carcinogenic. The maximum daily limit of Spectrus CT1300 may be doubled in response to increased levels of the bacteria Legionella if detected. Spectrus CT1300 is potentially toxic to the liver, kidney and central nervous system. In 2014-2015, two incidents due to Methanex's aging pipelines resulted in non-compliance. In 2015-2016, two unauthorised incidents recording non-compliance in respect of Methanex's activities at the Waitara Valley site occurred²⁹. In 2016-2017, three unauthorised incidents recording non-compliance were recorded at the two sites³⁰. Most of these incidences were apparently related to mechanical failures or unanticipated issues. None was followed by any enforcement response.
19. These industries, by discharging wastes and contaminants, are not only polluting our environment, but pose serious risks to public health and often ignoring Maori rights. They externalise the real costs of their operations by making profits from public good. Just as there is an urgent need to transition off fossil fuels onto renewable energy, the linear model of business and product lifecycles will need to transition onto circular economies³¹ where waste is treated as wealth (rather than liability) – good for business and good for the environment.
20. We argue that strengthening environmental regulation will create the incentives for such transitions. We argue that if such 'catch-all' rules are to remain, then Rule 13 for the relevant discharge activities should be Publicly Notified.

Structures and occupation

21. Rule 18: We object to permitting the placement of any outfall structure and the associated activities in any of the CMAs. Without a resource consent, it is impossible to know whether the standards/terms/conditions are met. We submit that such activities be Prohibited or Non-Complying in CMAs Outstanding Value and Estuaries Unmodified, and Discretionary in the other CMAs.

Structure used for whitebaiting

22. Rule 24: We support the Prohibited status of erection or placement of a whitebait stand in all CMAs. We also support the installation of protected whitebait breeding stations such as staked haybales at the mean high water level of stream and river mouths.

Exploration or appraisal drilling

23. Rules 26-28: We are opposed to further petroleum exploration and mining onshore and offshore and therefore ask that drilling of any petroleum exploration or appraisal well and associated activities in any CMA be Prohibited. If this is not acceptable to Council, then we ask that such activities in the Open Coast and Port be Discretionary (rather than Controlled). Due to the likely effects on public access and safety risks³², we request that these activities be Publicly Notified (whether the activity is deemed Discretionary or Controlled).
24. If Council insist on Rule 26 with its Controlled status, then we ask that the setback distance of 1,000 m from sensitive marine benthic habitat (Schedule 4B), reef system or boundary of CMA Outstanding

Value be increased to at least 6,000 m. The latter is based on Cawthron (30/10/2015)³³ which concluded that while a distance of 1,000 m should be adequate from a single well drilling activity, a much larger buffer distance (6 km or over) could be required to reduce community-based effects from multiple wells. A more conservative approach based on the maximum zone of effects would suggest a buffer distance of 20 km for water-based drilling fluids, as discerned by the limits of barium tracers. Rule 26 condition (a) indicates that new drilling may occur beyond 2,000 m of a previously drilled site which presumably means an existing well, resulting in a multiple wells situation, requiring a minimum buffer or setback distance of 6,000 m.

Petroleum production installation erection or placement

25. Rules 29-30: We are opposed to the drilling of new production wells but would support provisions for the maintenance and occupation of space by existing wells and associated infrastructure, and for the abandonment and decommissioning of wells and the associated infrastructure at the end of production life. If any new production wells are to be drilled, then prudent buffer distances as we propose in point 24 above should apply. Rule 30 relating to petroleum production, installation and associated activities in CMAs Outstanding Coastal, Estuaries Unmodified and Estuaries Modified should be reclassified as Prohibited (rather than Non-complying).

Temporary military training

26. Rules 31-32: We do not support military training activities in a world where most, if not all, wars are fought over control of resources and ideologies. The NZDF, like many others, are clearly not just a 'defence' force, and they operate largely in secrecy without opportunities for public scrutiny (See the recent revelations by Nicky Hager and Jon Stephenson (2017)³⁴. The recent fire-fighting foam contamination³⁵ around NZ's military sites and its health impacts on nearby residents illustrate some of the far-reaching and irreversible harm caused by military and associated activities. Our group stands for social justice where all can have access to the necessities of life and well-being. We do not condone violence including military actions and any potential human and environmental harm they cause.

Structure maintenance, repair, minor alteration, removal and replacement

27. Rules 35 & 38: We have concern over the Permitted status of maintenance, reconstruction, removal or replacement of established structures and the associated activities in CMAs Outstanding Value and Estuaries Unmodified. We propose that they be Discretionary instead, to allow for consideration of new/up-to-date knowledge about ecosystems, species and environmental effects, technological development and proper reporting/monitoring. Furthermore, there are issues with coastlines being presumed to be Crown land where the Seabed and Foreshore Act applies and where Maori reserves have been drawn up incorrectly and/or illegally taken by neighbours. In fact, there are clear records and archaeological evidence alongside current use by tangata whenua. We understand that Council allow seabed removal in tauranga waka and dumping of dredge spoils on Maori reserves eg. Egmont Boat Club. These activities need to be notified at the very least.

Clearance of outfalls, culverts and intake structures

28. Rule 51: We submit that disturbance of the foreshore or seabed and deposition of materials for clearance of outfalls, culverts and intake structures and any associated activities, especially the discharge of contaminants, be Discretionary (not Permitted) in CMA Outstanding Value and Estuaries Unmodified so that adequate consent conditions, environmental monitoring and reporting could be put in place.

Other disturbance, damage, destruction, removal or deposition that is not provided for in Rules 51 to 59

29. Rules 60, 61: We are gravely concerned over these two catch-all rules, especially when the Proposed Coastal Plan appears to be silent on seabed mining. The latter, such as the proposed TTRL seabed mining, is an extremely destructive activity opposed by a huge number of New Zealanders, all major environmental organisations and all Taranaki iwi^{36,37,38,39}. We submit that all seabed mining activities be Prohibited in all CMAs, including the Open Coast due to transboundary impacts of the activity.



Minerals mining (blue), exploration (red) and prospecting (green) permits in the Taranaki coastal marine area and in the EEZ. Source: NZPAM website⁴⁰, accessed 23/04/2018.

Schedules & Maps

30. Schedule 1 CMA and Schedule 2: We propose including Patea Shoals and Rolling Ground as CMA of Outstanding Value and onto Schedule 2, based on the recommendation from Cawthron, 2016⁴¹ which described these areas as “*worth considering as outstanding habitats in terms of ecological sensitivity (EEZ 2012)...*” We also ask Council to assess the value of Graham Bank as Cawthron indicated that it has not been investigated and “*may be a potentially outstanding area.*”
31. We seek clarifications about the delineation of boundaries of various areas of Outstanding values and their recognition by district councils. There appears to be some mismatch between those on the Coastal Plan (e.g. Map 39 Waitotara⁴²) and those in the Proposed South Taranaki District Plan 2016 (e.g. Rural Map 22⁴³). Regional and district councils need to align these and other relevant boundaries as well as policies and rules.

¹ Climate Justice Taranaki website. www.climatejusticetaranaki.info

² Climate Justice Taranaki Inc., 18 November 2016. Feedback on Draft Coastal Plan for Taranaki, August 2016.

<https://climatejusticetaranaki.files.wordpress.com/2013/03/cjt-feedback-on-draft-coastal-plan-for-taranaki-18nvo20161.pdf>

³ Ministry of Justice website – Marine & Coastal Area – Takutai Moana, accessed on 22/04/2018. <https://www.justice.govt.nz/maori-land-treaty/marine-and-coastal-area/applications/taranaki-region/>

⁴ RT Hon Jacinda Ardern, 12/04/2018. Planning for the future – no new offshore oil and gas exploration permits.

<https://www.beehive.govt.nz/release/planning-future-no-new-offshore-oil-and-gas-exploration-permits>

⁵ Government aims to strike balance ending offshore oil exploration: PM, 12 April 2018 <https://www.stuff.co.nz/business/103031705/ardern-to-end-to-offshore-oil-exploration-with-short-reprieve-for-taranaki>

⁶ Westpac NZ, April 2018. Climate Change Impact Report. <https://www.westpac.co.nz/assets/Sustainability/Westpac-NZ-Climate-Change-Impact-Report.pdf>

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Submission on Taranaki Regional Council (TRC) Proposed Coastal Plan (PCP)

Lyndon DeVantier, Okato

27th April 2018

1. As a resident of Okato, my submission is based on my long-standing personal surfing experience in the area, and relates specifically to Policies 17 - 19 and Rule 47 in the PCP.
2. I refer TRC to my previous submission on the Draft Coastal Plan (DCP). Many of the points I raised in that submission remain relevant.
3. I support policies that are designed to avoid adverse effects on seascape and surf breaks, including all development that would have an adverse effect on the remote feel of the area. Generations of locals and visitors have been able to experience this remote aspect, and many wish for this to continue for their children.
4. I remain unconvinced that TRC has the legislative capacity or political will to properly address the main adverse, and potentially adverse, effects, notably industrial dairying, coastal development for housing, fossil fuel extraction and waste disposal, and seabed mining.
5. I strongly oppose inclusion of Rule 47 (previously Rule 46 in the DCP) in the PCP, where it could be used to enable temporary closure to the general, recreational, surfing public of prime surf breaks. This proposal for permitting temporary closure is also noted in Policy 17 (viii).
6. There should be no permitted closures of surf breaks in the proposed Significant Surfing Area (SSA), or elsewhere in South Taranaki for that matter, particularly for major surf contests that will bring more crowds, more pollution and more surf rage to an already congested surfing scene.
7. I note that in Rule 47 the proposed closure time has been reduced from 10 days in any two week period in the DCP to four days in the PCP. This may be viewed as some form of concession by TRC to locals and others who clearly indicated their opposition to closure. It does not however, address the major philosophical divide at the heart of this issue.
8. As was readily apparent at the public meeting held at Warea Hall in October 2016, most local people concerned about this issue are philosophically opposed to any closure of a surf break. It is not an issue of the length of time a section of the coast is closed, but rather the closure itself.
9. This view is likely to be shared by the vast majority of recreational surfers in the broader Taranaki region, those who prefer not to be affiliated with surf clubs and their competitive, contest-oriented philosophy.
10. Those surfing clubs represent only a small minority of the surfers that live in or visit this region. Such vested interests should never be given private use of a public resource, nor their self-interested views more 'weight' in decision making than those of the general public.
11. Furthermore, given that most oceanic swells that impact the Taranaki coast only last for one to three consecutive days, and given that there are long periods (often more than a month) between such swells coinciding with good surfing conditions (eg. light offshore winds, clement weather), the reduction from 10 to four day closure will have no effect on reducing the exclusion of public access to prime surf conditions. It still means that the public are excluded from the best surf for the entire duration of the all too rare quality surf conditions at a prime break.
12. To permit closure of surf breaks for competitions will bring division and animosity where it need not exist.

13. It will alienate the majority of the surfing public, and it will potentially lead to conflict. Sadly, surf rage is already a serious issue in the region, with verbal abuse commonplace and episodic physical assaults.
14. If TRC permit this activity, there will, by default, be the need for security staff to patrol the venue, on land and sea, as occurs everywhere else such contests are held. This is necessary to restrict public access and physically herd recreational surfers out of the contest zone.
15. Unfortunately, with the introduction of significant prize money and development of so-called 'professional surfing', the original spirit of a few friends engaging in friendly competition has been buried under the 'win at all costs, dog-eat-dog' mentality, fostering the rise of a small elite, all fuelled by multi-national corporate interests focused on making profit at the expense of the environment and social justice.
16. Because most recreational surfers are not represented by clubs and do not compete, their views are unlikely to be articulated to TRC, other than at venues like the public meeting at Warea Hall.
17. Following that meeting and prior to release of the PCP, it would have been appropriate for TRC, and those advocating for the closure of surf-breaks, to have organized a meeting to discuss these issues with affected locals. To my knowledge this has not happened. Certainly I did not receive any notification of such a meeting, despite submitting on the issue in the DCP.
18. Notably that initial meeting at Warea Hall was organized by a private individual and there was a strong view at that meeting of a serious lack of consultation with local people. Particularly those that live adjacent to this newly-named SSA, and hence will be affected by any such events, and the flow-on effects, in future.
19. From the logistical standpoint, the coastal area south of Oakura simply does not have the infrastructure - roadwork, parking space or facilities - to support major surf competitions, which according to one contest promoter, 'Surfing Taranaki' CEO and TRC councillor Craig Williamson, will bring many thousands of people (Williamson letter to Taranaki Daily News 16th September 2016).
20. The coastal roads accessing the surf breaks in the SSA and South Taranaki more generally are narrow. Some are unpaved, particularly at their seaward ends, and used mainly by local families (Maori and Pakeha), dairy farmers, tanker drivers, fisher-folk and local and visiting surfers.
21. These roads, and the coastal areas they lead to, are totally unsuited for Mr Williamson's many thousands of spectators.
22. Parking is already an issue for locals and visitors, including recreational surfers, the numbers of which have increased rapidly in the past decade following branding of 'Surf Highway 45' and national and international publicity surrounding the Women's 'Dream Tour' surf contest.
23. Tourism promoters would no doubt view this as a success, bringing more full pockets to the region to be emptied. But at what cost to local people? Crowded surf conditions are dangerous and breed aggression.
24. This is a classic example of the 'Tragedy of the Commons', directly attributable to the surf-related publicity for the region.
25. This in turn has contributed to significant pollution from littering and human waste, particularly from 'freedom campers' without on-board waste facilities.
26. This point-source pollution is under TRC's direct remit, an issue I raised with TRC by phone some months ago, when large amounts of plastic and other pollution were apparent along the coast, from both point and diffuse sources.
27. At present, the relevant governing bodies, also including South Taranaki District Council and New Plymouth District Council (for Kaihihi Rd. Lower), do not appear to have an effective plan or enforcement process in place to manage coastal pollution, or indeed freedom camping in this area, despite an apparent 'three van - three night only camping rule' at some surf breaks, and signage prohibiting the practice elsewhere.

28. This apparent lack of preparedness is contrary to the fine aspirations espoused in Policies 17, 18 and 19, other than 17 (viii).
29. Visitor numbers and waste management issues have now exceeded the present capacity, or political will, of councils to manage, such that freedom camping should no longer be permitted within the designated SSA, an issue for the relevant councils.
30. Designated camping locations that do contribute to the local economy are provided in New Plymouth, Oakura and Opunake, and guest accommodation elsewhere.
31. The areas surrounding the surf breaks should be for day-use only, and remain in as close to natural, and/or rural condition as is possible, consistent with policies of maintaining the remote feel of the area.
32. Any closures for competitions, and the crowds they bring, are not consistent with these policies.
33. Any future significant expansion of the roads, parking or toilet and waste facilities, all necessary for major contests, will inevitably detract from this 'remote feel', and hence are also counter to the stated policy objectives. It will also facilitate more crowding and associated problems.
34. In respect of maintaining the remote feel of the area, I do not support additions of facilities at any more surf breaks. These actually create more problems than solutions, notably in terms of maintenance and pollution from careless or over-use, and seriously detract from the wilderness nature of the experience.
35. As noted above, the level of local concern about some of the issues raised herein was highly evident at the public meeting at Warea Hall, attended by many local surfers and coastal users, including Maori representatives, and by several TRC personnel.
36. Significant concern was expressed in respect of pollution issues, while no one from the audience spoke in favour of holding surf contests that would restrict public access in the area. Indeed the proposal was strongly criticized.
37. Notably Stent Road, arguably the best surf-break in the SSA, considered as nationally significant and highly coveted by contest promoters, is not a suitable competition venue based on the above-mentioned policies.
38. It has private homes opposite the surf break and also hosts the nationally rare plant species *Lepidium flexicaule*. In Taranaki, as far as I am aware, *L. flexicaule* is known from only this one site on the South Taranaki Coast, where it is already at significant risk from trampling by the rapidly growing numbers of recreational surfers and spectators, most ignorant of its presence.
39. There should be increased focus on protection of such sites, and on appropriate native revegetation of suitable sites in the coastal management area. Such replanting, as occurs at Komene Beach and Lagoon, Sandy Bay and elsewhere, may help to slow coastal erosion in the short-term, 'buying a little time', although continuing sea level rise over coming decades and centuries will ultimately make such initiatives futile.
40. For those vested interests that wish to continue promoting and running major surf competitions, these should be held in our major coastal city, New Plymouth, where the on-site facilities for the 'many thousands' of visitors are adequate, and where the major promoters are based.
41. Finally, there is, in my view, serious potential for conflict of interest if professional surfing contests are permitted by TRC via Rule 47, with closure of surf breaks to the general public for the financial benefit of vested interests, if any member(s) of TRC staff are among those vested interests, and hence benefitted from such closures.
42. I sincerely hope that these concerns are properly addressed in the next stage of the planning process.

Lyndon DeVantier

27th April 2018.



Mountain to Sea

Te Kaunihera-ā-Rohe o Ngāmotu

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26 April 2018

Taranaki Regional Council
Private Bag 713
STRATFORD 4352

Attention: Fred McLay

Dear Fred

SUBMISSION ON PROPOSED COASTAL PLAN FOR TARANAKI

Attached is the submission from the New Plymouth District Council on the Proposed Coastal Plan for Taranaki. The management of the coastal environment is one of the top four issues identified in the current review of the New Plymouth District Plan.

The timing of the review of the Coastal Plan for Taranaki and the New Plymouth District Plan are closely aligned presenting an opportunity to work more collaboratively to implement the requirements of the New Zealand Coastal Policy Statement 2010. The Council wishes to continue to work together on these respective plan reviews to ensure regional alignment and consistency. This submission also supports the Proposed Plan's approach to provide for the use and ongoing operation of regionally important infrastructure in the coastal marine area, which includes the Council owned infrastructure for the distribution of potable water and the collection and discharge of wastewater.

Yours faithfully

Juliet Johnson
DISTRICT PLANNING LEAD

Natural feature and landscapes, natural character and protection of indigenous vegetation

Under sections 6 and 31 of the Resource Management Act 1991 (RMA), the Taranaki Regional Council and the New Plymouth District have joint responsibility for the protection and preservation of nature features and landscapes, natural character and significant indigenous vegetation in the coastal environment.

The Draft District Plan, which was released for public comment on 5 February 2018, has identified the coastal areas of outstanding value within our District, as identified in Schedule 2 of the Proposed Regional Coastal Plan for Taranaki, as Outstanding Natural Features and Landscapes. The Draft District Plan also contains provisions to protect these areas where they cross landward of Mean High Water Springs (MHWS).

The Draft District Plan also contains provisions to protect indigenous vegetation located in the coastal environment above MHWS. The Council supports that the following provisions be retained as written:

Specific Provisions	Support/ Oppose	Decision sought
Objective 6: Natural character	Support	Retain Objective 6 as written
Objective 7: Natural features and landscapes	Support	Retain Objective 7 as written
Objective 8: Indigenous biodiversity	Support	Retain Objective 8 as written
Policy 1: Coastal management area	Support	Retain Policy 1 as written
Policy 9: Natural character and natural features and landscapes	Support	Retain Policy 9 as written
Policy 14: Indigenous vegetation	Support	Retain Policy 14 as written
Schedule 2 – Coastal areas of outstanding value	Support	Retain Schedule 2 as written

On on-going operation and maintenance of regionally significant infrastructure

The New Plymouth District Council has significant infrastructure located within the Coastal Marine Area (CMA) which is necessary to the distribution of potable water and the collection and discharge of stormwater and wastewater. The Council supports the inclusion of arterial pipelines and pumping stations for the distribution of potable water and the collection and discharge of wastewater and stormwater as regionally important infrastructure. It also supports the related objectives, policies and rules which enable the use and on-going operation of this infrastructure in CMA.

In order to maintain, including the testing of, the Waitara pump station the Council needs to discharge freshwater into the coastal marine area via the Waitara marine outfall.

Decision sought: Provide a new rule to allow the discharge of freshwater in all Coastal Management Areas into the coastal marine area as a permitted activity.

In addition to this new rule, the Council requests that the following provisions are retained:

Specific Provisions	Support/ Oppose	Decision sought
Objective 3: Reserve sensitivity	Support	Retain Objective 3 as written.
Policy 6: Activities important to the well-being of people and communities	Support	Retain Objective 6 as written.
Policy 26 (a) – inclusion of the term “best practicable option”	Support the inclusion of the phrase “best practicable option”.	Retain the phrase “best practicable option” in Policy 26(a).
Definition of regionally important infrastructure	Support the inclusion of (k) and (l) in the definition of regionally important infrastructure.	Retain (k) and (l) in the definition of regionally important infrastructure.
Rule 6 – Continuation of existing wastewater discharge that contains treated human sewage	Support the ability for the continuation of the wastewater discharge at Waiwhakaiho.	Retain Rule 6 as a discretionary activity.

Your name

Fay Mulligan

Organisation (if applicable)

Paora Aneiti 17 & 18 Maori Reservation Trustees

Address

7178A South Road
RD 37 Puniho Pa
Okato / Warea
Taranaki

Daytime phone number

027 241 39 24

Email address

david.fay@xtra.co.nz

Could you gain an advantage in trade competition through this submission?

No

Do you wish to be heard in support of your application?

Yes

Your submission on the Proposed Plan

The proposed plan indicates on maps that the area identified for Nationally, Regionally surfbreaks include sections of Paora Aneiti 18. This is unacceptable and as Trustees put in objection to its inclusion. The area is of high significance to Nga Mahanga and object to being placed in a position where we will more than likely have to explain our cultural heritage and rights . There is also lack of regard to our language when having an area for surfing identified as 'Punihos'.

Your comment on documents incorporated by reference in the Proposed Plan, as detailed in Schedule 9 (comment optional)

Document/file 1

Document/file 2

Document/file 3

Document/file 4

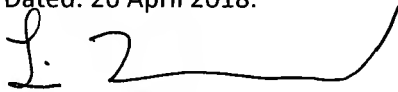
Submission on Proposed Coastal Plan for Taranaki

To: Taranaki Regional Council.
From: New Zealand Petroleum and Minerals
PO Box 1473
Wellington 6140
0508 263 782
Tim.Townsend@mbie.govt.nz

Name of submitter: NEW ZEALAND PETROLEUM AND MINERALS (NZPM).

1. This is submission on the Proposed Coastal Plan for Taranaki (Proposed Coastal Plan).
2. NZPM could not gain an advantage in trade competition through this submission.
3. NZPM's submission focuses on the provision for petroleum exploration and production in the Proposed Coastal Plan. NZPM is broadly supportive of the proposed rules for these activities in the Proposed Coastal Plan. However, NZPM considers that there should be greater recognition of the economic and social benefits of petroleum and mineral resources in the supporting policies.
4. The specific provisions this submission relates to, decisions requested, and reasons are set out in Appendix A. NZPM seeks the decisions set out in Appendix A, or such similar or consequential relief as necessary and appropriate to address the decisions requested.
5. NZPM wishes to be heard in support of its submission.
6. If others wish to make a similar submission, NZPM will consider presenting a joint case with them at the hearing.

Dated: 26 April 2018.



Tim Townsend
Manager, Sector Development Policy
NEW ZEALAND PETROLEUM AND MINERALS



APPENDIX A: SPECIFIC SUBMISSION POINTS

Provision	Oppose/ support	Decision requested	Reasons
Objective 2: Appropriate use and development	Support	Retain as notified.	The objective recognises that some activities depend on the use and development of resources located in the coastal environment and seeks to ensure these activities (e.g. petroleum exploration and production) are provided for in appropriate locations.
Policy 5: Appropriate use and development of the coastal environment	Support in part	Amend clause b) as follows: <i>the benefits to be derived from the activity at a local, regional and national level, including the potential contribution of aquaculture and marine based renewable energy resources, and the <u>existing and potential contribution of petroleum and mineral resources;</u></i>	The general intent of the policy is supported to provide guidance on whether use and development in the coastal environment is appropriate. However, NZPM considers that there should be explicit recognition of the economic and social benefits that petroleum and mineral resources provide to the region. Currently the policy only gives recognition to the benefits from the potential contribution of aquaculture and renewable energy resources. An amendment to clause b) is suggested to provide this recognition or alternatively this may be inserted as a separate clause.
Policy 29: Impacts from offshore petroleum drilling and production	Support	Retain as notified.	NZPM supports the intent of this policy to ensure adverse effects from accidental discharges are avoided, remedied or mitigated through the use of industry best practice and compliance with relevant standards.

Policy 38: Removal of coastal structures	Support in part	Amend policy to include clause d) and e) as follows d) the removal of the structure poses unreasonable costs or is technical unfeasible e) the removal of the structure poses unreasonable risk on human health and safety,	NZPM supports the outcomes base approach to this policy. However, we are concerned that the policy is limiting and does not allow for other matters such as unreasonable costs or health and safety concerns to be considered alongside environmental effects as exceptions to removal. The policy does not explicitly provide for the use of industry best practice tools to determine the best practicable environmental outcome. For example, the comparative assessment tool assesses a range of available options against technical, environmental, social and financial considerations in selecting the preferred approach.
Rule 26: Exploration or appraisal well drilling	Support	Retain as notified.	NZPM supports the approach to 'bundle' 'bundled' petroleum exploration activities so that only a single consent is needed at a particular stage of the activity. This will help to streamline the plan and make it easier for applicants/companies understand the regulatory requirements for petroleum exploration. NZPM considers that a controlled activity status, with appropriate conditions, is an appropriate activity status for exploration or appraisal well drilling. NZPM also notes that the matters of control are comprehensive and will enable adverse effects to be appropriately managed.
Rule 27: Exploration or appraisal well drilling (that does not comply with Rule 26)	Support	Retain as notified or amend to restricted discretionary activity.	NZPM considers that discretionary status is appropriate where Rule 26 is not complied with. NZPM would also support a restricted discretionary activity status for Rule 27 with similar matters of discretion to the matters of control in Rule 26.
Rule 28: Exploration or appraisal well drilling (in Outstanding Value, Estuaries)	Support	Retain as notified.	NZPM considers that a non-complying activity status is appropriate for petroleum exploration activities in identified outstanding/sensitive areas in the coastal environment. This still

<i>Unmodified, Estuaries Modified)</i>			allows the activity to be assessed on its merits.
Rule 29: Petroleum production installation erection or placement	Support	Retain as notified.	NZPM supports the approach to 'bundle' 'bundled' petroleum production activities so that only a single consent is needed at a particular stage of the activity. This will help to streamline the plan and make it easier for applicants/companies understand the regulatory requirements for petroleum production.
Rule 30: Petroleum production installation erection or placement (<i>in Outstanding Value, Estuaries Unmodified, Estuaries Modified)</i>	Support	Retain as notified.	NZPM considers that a non-complying activity status is appropriate for petroleum production activities in identified outstanding/sensitive areas in the coastal environment. This still allows the activity to be assessed on its merits.

Submission by Transpower New Zealand Ltd on the Proposed Taranaki Regional Coastal Plan

27 April 2018

Keeping the energy flowing



TRANSPOWER



ADDRESS FOR SERVICE

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Attention: Pauline Whitney

Email: pauline.whitney@boffamiskell.co.nz
Ph: 04 901 4290

(Address for Service)

APPROVED FOR RELEASE

FORM 5
SUBMISSION BY TRANSPOWER NEW ZEALAND LIMITED
ON THE PROPOSED COASTAL PLAN FOR TARANAKI
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991

To: PCPT, Taranaki Regional Council, Private Bag 713, Stratford 4352

Proposed CPS
Taranaki Regional Council
Private Bag 713
Stratford 4352
By email: coastal@trc.govt.nz

Name of Submitter:

Transpower New Zealand Ltd

This is a submission to the Proposed Coastal Plan for Taranaki

Transpower could not gain advantage in trade competition through this submission

The specific provisions of the proposed plan that the submission relates to are:

Refer attached submission which outlines the specific provisions, sought amendments, reasons and decisions sought.

Transpower NZ Ltd wishes to be heard in support of its submission.

Signature of submitter

[or person authorised to sign on behalf of the submitter.]

Date: 27 April 2018

SUBMISSION BY TRANSPOWER NEW ZEALAND LIMITED ON THE PROPOSED COASTAL PLAN FOR TARANAKI

Overview

The following provides specific submission points from Transpower New Zealand Limited (“**Transpower**”) on the Proposed Coastal Plan for Taranaki (“**PCPT**”).

The submission has been prepared to assist the Council in ensuring the planning framework under the PCPT appropriately recognises and provides for the National Grid. Specifically, from Transpower’s perspective, the provisions of the PCPT need to ensure that it:

- Gives effect to the National Policy Statement on Electricity Transmission 2008 (“**NPSET**” or “**NPS**”);
- Recognises the need to sustainably manage the National Grid as a physical resource of national significance;
- Recognises the benefits of the National Grid at local, regional and national levels; and
- Provides for the effective operation, maintenance, upgrading and development of the National Grid.

In general, the approach adopted in the PCPT is broadly supported by Transpower; specifically, the provision of a framework of objectives, policies and rules that recognises and appropriately provides for the benefits of Regionally Important Infrastructure (including the National Grid) where it is located within the coastal environment. In particular, the policy framework makes appropriate recognition of the constraints imposed on regionally important infrastructure to avoid, remedy or mitigate adverse effects due to their functional or locational requirements. However, Transpower considers that a number of amendments are still required to provide further clarification and to better reflect the direction and scope of the NPSET in the PCPT.

Introduction to Transpower

Transpower is a State-Owned Enterprise that plans, builds, maintains and operates New Zealand’s National Grid, the high voltage transmission network for the country. The National Grid links generators directly to distribution companies and major industrial users, feeding electricity to the local networks that distribute electricity to homes and businesses. The National Grid comprises towers, poles, lines, cables substations, a telecommunications network and other ancillary equipment stretching and connecting the length and breadth of the country from Kaikohe in the North Island down to Tiwai in the South Island, with two national control centres (in Hamilton and Wellington).

The National Grid includes approximately 12,000 km of transmission lines and 167 substations, supported by a telecommunications network of some 300 telecommunication sites, which help link together the components that make up the National Grid.

Transpower’s role and function is determined by the State-Owned Enterprises Act 1986, the company’s Statement of Corporate Intent, and the regulatory framework within which it operates. Transpower does not generate electricity, nor does it have any retail functions.

Transpower’s Statement of Corporate Intent for July 2017 to July 2020, states that:

Transpower is central to the New Zealand electricity industry, connecting New Zealanders to their power system through safe, smart solutions for today and tomorrow. Our principal commercial activities are:

- As grid owner, to reliably and efficiently transport electricity from generators to distributors and large users.

- As system operator, to operate a competitive electricity market and deliver a secure power system

In line with these objectives, Transpower needs to efficiently maintain and develop the network to meet increasing demand, to connect new generation, and to seek security of supply, thereby contributing to New Zealand's economic and social aspirations. It has to be emphasised that the National Grid is an ever-developing system, responding to changing supply and demand patterns, growth, reliability and security needs. Transpower therefore has a significant interest in contributing to the process of developing an effective, workable and efficient Regional Coastal Plan where it may affect the National Grid, including possible future changes.

Taranaki Region Transmission Assets

Transpower has a number of overhead transmission line, substation and telecommunications assets within the Taranaki Region, comprising the following:

- Brunswick-Stratford A double circuit 220kV transmission line on steel towers;
- Wanganui-Stratford A single circuit 110kV transmission line on pi poles;
- Stratford-Taumarunui A double circuit 220kV transmission line on steel towers;
- Opunake-Stratford A double circuit 110kV transmission line on steel towers;
- New Plymouth-Stratford A double circuit 220kV transmission line on steel towers;
- Carrington Street-Stratford A double circuit 110kV transmission line on steel towers;
- Motunui-Dev A double circuit 110kV transmission line on steel towers;
- Carrington Street-New Plymouth A double circuit 110kV transmission line on steel towers;
- Carrington Street-Huirangi A double circuit 110kV transmission line on steel towers;
- Huirangi-Motunui A single circuit 110kV transmission line on steel towers;
- Waverley Substation;
- Hawera Substation;
- Opunake Substation;
- Stratford Substation;
- Huirangi Substation;
- Motunui Substation;
- Carrington Street Substation; and
- New Plymouth Substation.

In addition to the above, there are three telecommunications sites: Kapuni, Taurangi and New Plymouth. Attached as Appendix 1 is a map of Transpower's assets in the Taranaki Region.

None of Transpower's existing structures are located within Taranaki's Coastal Marine Area ("**CMA**") as identified in the PCPT. The Transpower assets nearest to the CMA are the New Plymouth and Motunui Substations. The New Plymouth substation is to be decommissioned due to Port Taranaki requiring the site for its own purposes. The future of Transpower's assets on this site are yet to be determined. While the substation itself is outside any areas of identified significance, one of the lines coming out of the substation traverses a part of one of the identified areas of Outstanding Natural Character ("**ONC**") and Outstanding Natural Landscapes and Features ("**ONFL**"), near the base of Paritutu: the Ngā Motu (Sugar Loaf Islands) and Tapuae ONC3, ONFL2. However, it is noted that the line and support structure are outside the indicative CMA line as identified in the PCPT, and so in

accordance with paragraph 1.4.2 of the PCPT, are not subject to the rules in the plan. Attached as Appendix 2 is a map of the New Plymouth Substation Assets and PCPT mapping.

Statutory Framework

National Policy Statement on Electricity Transmission

The National Policy Statement on Electricity Transmission was gazetted on 13 March 2008. The NPSET confirms the national significance of the National Grid, and establishes national policy direction to ensure decision-makers under the RMA duly recognise the benefits of transmission, manage the effects of the National Grid and appropriately manage the adverse effects of activities and development close to the Grid. The NPSET only applies to the National Grid – the assets used or operated by Transpower – and not to electricity generation or distribution networks. A copy of the NPSET is attached as Appendix 3.

The one objective of the NPSET is as follows:

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- a. Managing the adverse environmental effects of the network; and*
- b. Managing the adverse effects of other activities on the network.*

The NPSET's 14 policies provide for the recognition of the benefits of the National Grid, as well as the environment effects of transmission and the management of adverse effects on the National Grid. The policies have to be applied by both Transpower and decision-makers under the RMA, as relevant.

Policy 1 of the NPSET provides that decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. Explicit reference is made to the benefits of security of supply, efficient transfer of energy, development and use of new electricity generation, and enhanced supply.

Policies 2 to 9 provide RMA decision-makers direction for managing the environmental effects of transmission activities.

Policy 2 is as follows:

In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.

Policies 3 to 5 contain matters to which decision-makers must consider or have regard, including:

- the constraints imposed on avoiding, remedying or mitigating adverse effects by the technical and operational requirements of the network
- the role of the route, site and method selection process in avoiding, remedying or mitigating adverse effects for new or major upgrades of transmission infrastructure, and
- the enablement of the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets.

Policies 6 to 8 relate to Transpower's responsibilities under the NPSET, with Policy 6 promoting the reduction of existing adverse effects where substantial upgrades of transmission line infrastructure are undertaken. Policies 7 and 8 relate to circumstances in which the effects of transmission

infrastructure could be reduced, minimised or avoided in urban and rural environments. Policy 9 specifically relates to standards for dealing with electric and magnetic fields.

Policy 8 is as follows:

In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.

Policies 10 and 11 of the NPSET provide the primary direction on the management of adverse effects of third party activity on the transmission network. Policy 10 is as follows:

In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

Policy 11 relates to the development of buffer corridors.

Policy 12 requires the identification of the transmission network on territorial authority planning maps.

Policies 13 and 14 relate to the long-term strategic planning for transmission assets. Under Policy 14, regional councils must include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.

Section 67(3)(a) of the RMA requires that Regional Plans must 'give effect' to a National Policy Statement. Case law has established that the words "give effect to" means to implement, which is a strong directive, creating a firm obligation on the part of those subject to it¹.

It is therefore a requirement that local policy reflects national direction and that the local policy is effective in helping support the integrated management of natural and physical resources within the coastal environment, as well as across the region as a whole.

Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009

The Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (*NESETA*) came into effect on 14 January 2010, providing a national framework of permissions and consent requirements for the operation, maintenance and upgrading of National Grid lines existing at 14 January 2010: it does not apply to substations or electricity distribution lines, and nor does it apply to the construction of new transmission lines.

Under Section 44A of the RMA, local authorities are required to ensure there are no duplications or conflicts between the provisions of the NESETA and a proposed plan. Potentially, as the regulations include electricity transmission activities relating to the use of land or occupation of the coastal marine area, NESETA may have direct relevance to the PCPT; however, as Transpower has no existing assets in Taranaki's coastal marine area, NESETA is not directly applicable. As noted above though, a small proportion of a transmission line connecting to the New Plymouth substation traverses an identified ONC and ONFL: Any works on that line which may trigger resource consent under NESETA or which may require consent as a new transmission line, may therefore need consideration of the objectives and policies of the PCPT. As such, the PCPT policy framework is of relevance to the National Grid, in addition to new grid assets that could be located in the CMA.

¹ Environmental Defence Society Inc v the New Zealand King Salmon Co Ltd [2014] NZSC 38, [2014] 1 NZLR593 (*King Salmon*) Most recently, reaffirmed in Royal Forest and Bird Protection Society of NZ Inc V Bay of Plenty Regional Council [2017] NZHC 3080 [12 December 2017]

Taranaki Regional Policy Statement

The PCPT is also required to "give effect to" an operative regional policy statement (section 67(3)(c)), in this case the operative Taranaki Regional Policy Statement (RPS). Transpower considers the following provisions of the RPS to be particularly relevant to the issues raised in this submission:

- Chapter 8 of the RPS clearly states that it may be appropriate to locate infrastructure in the coastal environment.
- Chapter 14 recognises Taranaki's energy resources as nationally significant and the use and development of these resources rely on infrastructure such as the National Grid to transmit these resources to other regions. It also recognises many of these energy resources and potential future resources (e.g. tidal generation) could be located within the coastal environment, requiring connection to the National Grid.
- Policy 3 of Chapter 15 details the need for buffer corridors to ensure reverse sensitivity effects of incompatible activities with the National Grid are avoided, recognising the importance of the National Grid.

Therefore, it is considered important that the Coastal Plan provides for National Grid activities in the coastal environment in order to give effect to the operative RPS.

Other Regulations

Regulation 10 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003, section 2(i) further acknowledges the importance of Transpower's National Grid assets, requiring Transpower to be directly served notice of applications or reviews that are publicly notified and that may affect the National Grid.

Relationship Between the New Zealand Coastal Policy Statement and the National Policy Statement on Electricity Transmission

It is important to emphasise that, under the RMA, no priority or preference is to be given to any particular national policy instrument, including the NPSET and the NZCPS. While the NZCPS obviously has direct application to the development of regional coastal plans, other national policy instruments also have direct application, including the NPSET. The RMA does not specify any priority of any one national policy instrument over the other, including the NZCPS. In the parts of the RMA which deal with implementing the national policy instruments into local policy and plans (Sections 62, 65, 67, 75), the NZCPS and other NPSs are always referred to together, with identical implementation requirements.

There are, inevitably, inherent tensions and potentially competing requirements between national policy instruments as they apply to the coastal environment, including the NZCPS and NPSET. The Supreme Court, in its *King Salmon* decision, provided some direction on how to resolve any potential tensions between national policies, particularly if they "pull in different directions". In particular, the Court considered that, if there is an apparent conflict between particular policies, decision-makers need to make a thoroughgoing attempt to find a way to reconcile them rather than readily preferring one over the other². Competing higher level objectives and policies were also discussed in the recent decision by the High Court on the proposed Bay of Plenty Regional Coastal Environment Plan³. That decision found that, while more directive policies carry more weight than those that are less directive, nevertheless, following the *King Salmon* approach, a 'thoroughgoing' attempt should be made to reconcile policy tensions. In relation to the provisions of that Bay of Plenty Regional Coastal Environment Plan, the policy framework recognised that provision needs to be made for regionally significant infrastructure, but not necessarily to the same degree in all locations.

² *King Salmon*, paragraphs 129-131.

³ *Royal Forest and Bird Protection Society of NZ Inc V Bay of Plenty Regional Council* [2017] NZHC 3080 [12 December 2017]

While the NZCPS is fundamental to the development of a regional coastal plan, it is important to note that the NPSET sets a clear directive to councils on how to provide for National Grid resources (including future activities) when drafting all their plans, including within the coastal environment. Thus, regional councils have to work through how to make appropriate provision for nationally and regionally significant infrastructure in their coastal plans.

Whilst there are currently no parts of the National Grid in Taranaki's coastal marine area, the evolving nature of energy generation could require new electricity transmission infrastructure in the coastal environment at some stage in the future. It is therefore prudent to provide for the potential consideration of such resources in Taranaki's coastal environment. The development of the National Grid is explicitly recognised in the NPSET. Objective 2 of the NPSET explicitly refers to the "establishment of new transmission resources to meet the needs of present and future generations". Recognition of the development of the National Grid is also required in Policy 2 of the NPSET, in that "decision makers must recognise and provide for ... the development of the electricity transmission network". Policy 8 of the NPSET directs that within rural environments, planning and development of the National Grid should seek to avoid adverse effects on certain identified environments (being outstanding natural landscapes, area of high natural character and recreation values and amenity and existing sensitive activities) areas. The wording of NPSET policy 8 ("should seek to avoid") does not impose an absolute requirement for the National Grid to avoid all adverse effects. Rather, the NPSET recognises total avoidance is not always possible given the technical and operational requirements of the National Grid (as recognised in Policy 3 of the NPSET).

Overview of Reasons for the Submission

Transpower is broadly supportive of the Proposed Coastal Plan. Following the constructive response to Transpower's previous submission on the Draft Coastal Plan, there are only a limited number of amendments being sought by Transpower in this submission. These amendments can be summarised as follows:

- Ensuring the NZCPS and NPSET are given equal consideration to reflect their equal standing under the RMA – this requires giving full effect to the NPSET;
- By having a restrictive policy, objective and rule framework for nationally and regionally important infrastructure, particularly the National Grid, the PCPT does not give full effect to the RPS in promoting sustainable management of natural and physical resources and achieving the purpose of the RMA – in particular, the PCPT does not give full regard to the National Grid's efficient use of physical resources and its contribution to the region's social, economic and cultural wellbeing; and
- Transpower is concerned that the requirements of section 32 of the RMA have not been fully met and records this concern here as required under section 32A, particularly with reference to explanations regarding activity statuses for erecting structures.

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General Submission Point

1. Submission Point – GENERAL

Plan in General

Support with amendment

Transpower seeks to ensure that the PCPT contains appropriate provisions regarding the National Grid and policies to ensure functional and operational requirements to meet electricity generation supply. More specifically, the PCPT needs to adequately provide for the National Grid infrastructure that is required to support growth within the Taranaki Region and New Zealand.

Relief Sought:

That the provisions of the PCPT ensure that:

- Full effect is given to the National Policy Statement for Electricity Transmission 2008 (NPSET), specifically:
 - The sustainable management of the National Grid as a physical resource of national significance;
 - Recognition of the benefits of the National Grid at local, regional and national levels; and
 - Appropriate provision for the planning and development of new National Grid infrastructure.

This would be achieved by:

- a) Adopting the relief sought throughout the balance of this submission; and
- b) Adopting such other relief, including additions, deletions or consequential amendments necessary to give effect to this submission.

2. Submission Point – GENERAL – Use and application of terms CMA and CE

Provision: Use and application of Terms CMA and CE

Support

The statement within Section 1.4.2 that the rules of this plan apply only in the Coastal Marine Area (“CMA”) is supported. However, clarification is also sought as to what provisions the Coastal Environment (“CE”) apply to. Confirmation in the PCPT would be beneficial to plan users.

It is also noted that the PCPT uses the terms CMA and CE interchangeably. For example, Section 3.1 Appropriate Use and Development uses the term CMA. However, the related Objective 2 uses the term CE within the objective.

Relief Sought:

Confirmation is sought that the rules in the PCPT only apply to the CMA.

Clarification is sought as to what provisions in the PCPT the CE apply to.

Clarification is also sought as to the consistency in the use of the terms CMA and CE throughout the PCPT.

DEFINITIONS

3. Submission Point – DEFINITIONS

Definition: Regionally Important Infrastructure

Regionally important infrastructure means infrastructure of regional and/or national importance and is:

- a. *Port Taranaki and its approaches and on-going development to meet changing operational needs;*
- b. *facilities and arterial pipelines for the supply or distribution of minerals including oil and gas and their derivatives;*
- c. *the national electricity grid, as defined by the Electricity Industry Act 2010;*
- d. *facilities for the generation and/or transmission of electricity where it is supplied to the national electricity grid and/or the local electricity distribution network, including supply within the local electricity distribution network;*
- e. *defence facilities;*
- f. *flood protection works;*
- g. *infrastructure associated with the safe and efficient operation of state highways and the rail network;*
- h. *strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001;*
- i. *strategic radio communications facilities as defined in section 2(1) of the Radio Communications Act 1989;*
- j. *New Plymouth airport, including flight paths;*
- k. *arterial pipelines and pumping stations for the distribution of potable water and water treatment plants; and*
- l. *arterial pipelines and pumping stations for the collection of wastewater and stormwater, and wastewater treatment plants.*

Support in part

The PCPT does not specifically identify or provide for the National Grid. Rather it includes the National Grid within the definition of Regionally Important Infrastructure. On this basis, Transpower largely supports the reference to the National Grid within the definition of Regionally Important Infrastructure as such reference reflects the significance/importance of the National Grid.

However, a minor amendment is sought to clause c. to capitalise the reference to the National Grid, to remove the reference to 'electricity' (as this word is not included when Transpower refers to the National Grid), and to remove reference to the Electricity Industry Act and instead provide reference to the NPSET definition of National Grid, thereby providing consistency with the sought definition of National Grid (as sought below).

Notwithstanding the above support of the definition of Regionally Important Infrastructure, an amendment is sought to have a separate definition of National Grid to enable clear interpretation of the Coastal Plan in relation to the National Grid. This support is based on the relief sought by Transpower in subsequent submission points to provide specific recognition of the National Grid in the PCPT, to give full effect to the NPSET.

It is noted the definition refers to Regionally Important Infrastructure. While the term "important" is not in itself opposed, Transpower would support replacement of the word 'important' with 'significant' to be consistent with terminology used in the Regional Policy Statement for Taranaki 2010, and the NPSET which refers to 'significance'. On this basis, the references to 'Regionally Significant Infrastructure' and 'Regionally Important Infrastructure' are used

interchangeably in this submission. However, consistency will be required throughout the PCPT.

Relief Sought

That the definition of Regionally Important Infrastructure, and be amended as follows, and the term be amended throughout the PCPT:

*Regionally ~~Important~~ **Significant** Infrastructure*
*Regionally ~~Important~~ **Significant** infrastructure means infrastructure of regional and/or national ~~importance~~ **Significance** and is:*

That the reference to the National Grid be amended as follows:

*3. the ~~Nnational electricity G~~grid, **being the assets used or owned by Transpower New Zealand Limited as defined by the Electricity Industry Act 2010;***

That a new definition is added to the Definition Chapter as follows:

“National Grid” means the assets used or owned by Transpower New Zealand Limited.

And any consequential amendments that arise from the amendments proposed.

Section 1. Introduction

4. Submission Point – INTRODUCTION

Provision: 2.1.2 National policy statements and environmental standards

Section 67 of the RMA specifies that regional plans must give effect to:

- *any national policy statement,*
- *any New Zealand coastal policy statement, and*
- *any regional policy statement.*

...

There are currently four national policy statements that relate to the coastal environment:

...

National Policy Statement on Electricity Transmission 2008, which sets out objectives and policies for managing the electricity transmission network.

Support

The reference to National Policy Statements is supported as it clearly articulates the importance of these documents and the need for the PCPT to give effect to the objectives and policies contained within those instruments. In particular, Transpower supports the reference to the NPSET as being relevant to the coastal environment.

Relief Sought

That the reference to National Policy Statements within Section 2.1 be retained.

5. Submission Point – INTRODUCTION

Provision: 3.1 Appropriate use and development

Some activities rely upon a location in or near the coastal marine area, or are dependent on the use of coastal resources. Taranaki's coastal resources and developments play a crucial role in both the regional and national economy. ... Coastal management will recognise and provide for appropriate resource use and development, and its contribution to enabling people and communities to provide for their social, economic and cultural well-being.

Support in part

Transpower supports the provision of an introductory explanation regarding the need to make provision for appropriate use and development within the Coastal Marine Area. However, an amendment is sought to recognise other constraints so as to make it clear within the PCPT that there are also technical, locational and/or operational reasons why an activity requires a coastal location which are not based solely on the use of the coast resource itself. Such recognition is consistent with Policy 1 of the NPSET which requires decision-makers to recognise and provide for the national, regional and local benefits of efficient electricity transmission, which may rely upon the location of National Grid assets within the coastal marine area, and Policy 3 of the NPSET which requires consideration of the constraints imposed by technical, operational and/or locational requirements when considering measures to avoid, remedy or mitigate adverse environmental effects of the National Grid. Put simply, the National Grid is linear infrastructure that has to connect generation sources with National

Grid infrastructure (lines and grid exit points or substations). Therefore the National Grid has to get from A to B and may not be able to avoid coastal locations in doing so.

Relief Sought

That Provision 3.1 be amended as follows:

Appropriate use and development

*Some activities rely upon a location in or near the coastal marine area, are dependent on the use of coastal resources, **or have technical, operational or locational constraints that mean they require a coastal marine area location**. Taranaki's coastal resources and developments play a crucial role in both the regional and national economy. ... Coastal management will recognise and provide for appropriate resource use and development, and its contribution to enabling people and communities to provide for their social, economic and cultural well-being.*

And any consequential amendments that arise from the amendment proposed.

6. Submission Point – INTRODUCTION

Provision: 3.2 Managing the Taranaki Coastal Environment

With reference to the former discussion, the following matters are addressed in the objectives, policies, rules and methods that follow:

- 1. Recognising the interconnected nature of the coastal environment through an integrated management approach.*
- 2. Managing the effects of discharges in the coastal marine area and on land in the coastal environment to maintain and enhance Taranaki's generally high coastal water quality.*
- 3. Recognising and providing for the role of appropriate use and development of natural resources in the coastal environment and its contribution to the social, economic and cultural well-being, and health and safety of people and communities.*
- 4. Ensuring significant natural and historic heritage and natural processes in the coastal environment are protected for the continuation of healthy and functioning ecosystems, and the social, cultural and economic well-being of present and future generations.*
- 5. Ensuring the relationship of tangata whenua, including their traditions, social and cultural values are recognised and provided for in the management of Taranaki's coastal environment.*
- 6. Ensuring people can continue to access, use and enjoy the Taranaki coast.*
- 7. Ensuring use and development of the coastal marine area does not increase coastal hazard risk or pose a threat to the health and safety of people or property.*

Support

The list of matters is supported, particularly 3 "Recognising and providing for the role of appropriate use and development of natural resources in the coastal environment and its contribution to the social, economic and cultural well-being, and health and safety of people and communities". This is consistent with Policy 1 of the NPSET which requires decision-makers to recognise and provide for the national, regional and local benefits of efficient electricity transmission, which may rely upon the location of National Grid assets within the coastal environment.

Relief Sought

That the list of matters within 3.2 be retained.

Section 3. Objectives

7. Submission Point - OBJECTIVES

Provision: Objective 2 Appropriate use and development

Natural and physical resources of the coastal environment are used efficiently, and activities that depend on the use and development of these resources are provided for in appropriate locations.

Support in part

Transpower largely supports Objective 2, as it has now been expanded since the Draft Plan to include 'development' that has to be located within the Coastal Environment, even if the activity does not specifically rely on the use of the natural and physical resources within it. However, an amendment is sought to the objective to reference technical, operational and/or locational requirements thereby making it clear that activities (such as the National Grid) which may have technical, operational and/or locational constraints and are required to be located in the coastal environment due to these requirements, are recognised. As notified, the objective infers only those activities utilising the coastal resource are provided for.

The sought amended objective now gives proper effect to Policy 6 of the NZCPS, as well as Policies 2, 3 and 5 of the NPSET.

Relief Sought

That Objective 2 is amended as follows:

*Natural and physical resources of the coastal environment are used efficiently, and activities that depend on the use and development of these resources, **or have technical, operational and/or locational requirements,** are provided for in appropriate locations.*

And any consequential amendments that arise from the amendment proposed.

8. Submission Point - OBJECTIVES

Provision: Objective 3 Reverse sensitivity

The use and ongoing operation of nationally and regionally important infrastructure and other existing lawfully established activities is protected from new or inappropriate use and development in the coastal environment.

Support

Noting that the Coastal environment extends further inland than the coastal marine area, Transpower supports the provision of this objective as it is consistent with Policy 10 of the NPSET which states that decision-makers must, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on the electricity transmission network, and to ensure the operation, maintenance, upgrading, and development of the electricity transmission network is not compromised by inappropriate other activities.

Relief Sought

That Objective 3 be retained but the title be amended as follows:

*Objective 3 ~~Reverse sensitivity~~ **Impacts on established operations and activities***

9. Submission Point - OBJECTIVES

Provision: Objective 6 Natural character

The natural character of the coastal environment is preserved and protected from inappropriate use and development and is restored where appropriate.

Support

Transpower supports the provision of this objective as it recognises that not all activities are inappropriate in the coastal environment. The objective is consistent with Objective 6(a) of the RMA which refers to 'inappropriate subdivision, use and development'. Guidance as to what is meant by 'appropriate' is provided in Section 3.1 of the PCPT Appropriate Use and Development, noting that Transpower supports amendment to Section 3.1 to clarify that activities with technical, operational and/or locational requirements are also appropriate.

Relief Sought

That Objective 6 be retained.

10. Submission Point - OBJECTIVES

Provision: Objective 7 Natural features and landscapes

The natural features and landscapes of the coastal environment are protected from inappropriate use and development.

Support

Transpower supports the provision of this objective as it recognises that not all activities are inappropriate in the coastal environment. The objective is consistent with Objective 6(a) of the RMA which refers to 'inappropriate subdivision, use and development'. Guidance as to what it 'appropriate' is provided in Section 3.1 of the PCPT Appropriate Use and Development.

Relief Sought

That Objective 7 be retained.

Section 4. Policies

11. Submission Point – POLICIES

Provisions: Policy 1 Coastal management areas

Manage the coastal marine area in a way that recognises that some areas have values, characteristics or uses that are more vulnerable or sensitive to the effects of some activities, or that have different management needs than other areas. ...

Support

Transpower supports Policy 1 as it is consistent with the NZCPS, particularly in relation to giving recognition to the diverse **values, characteristics and uses** of Taranaki's coastal environment, and provides an appropriate management structure for the policy and regulatory framework of the PCPT. This management framework will assist in the implementation of the NPSET, particularly policies 7 and 8 in terms of the planning and development of the transmission system in relation to areas of high value.

Relief Sought

That Policy 1 be retained.

12. Submission Point – POLICIES

Provision: Policy 2 Integrated management

Provide for the integrated management of the coastal environment by:

....

- (f) *managing natural and physical coastal resources in a manner that has regard to the social, economic and cultural objectives and well-being of the community and the functional and/or location constraints of nationally or regionally important infrastructure;*

Support in part

Transpower supports Policy 2(f) insofar as previous amendments by Transpower of this policy have been incorporated. However, Transpower seeks an amendment to alter the wording to be in accordance with its previous submission to ensure the policy has a stronger directive approach: that is, "to recognise and provide for" (rather than "has regard to") ... the benefits and the functional, locational and/or operational need to be within the CMA. The sought wording gives effect to Policy 1 of the NPSET, and reflects the more directive wording within the NPSET. The sought reference to 'operational' and 'technical' gives effect to Policy 3 of the NPSET.

Relief Sought

That Policy 2(f) be amended as follows:

*managing natural and physical coastal resources in a manner that **recognises and provides for** ~~has regard to~~ the social, economic and cultural objectives and well-being of the community, and the functional, **technical, operational and/or locational** constraints of nationally or regionally important infrastructure.*

And any consequential amendments that arise from the amendments proposed.

13. Submission Point – POLICIES

Provision: Policy 5 Appropriate use and development of the coastal environment

Determine whether use and development of the coastal environment is in an appropriate place and form and within appropriate limits by having regard to:

- (a) the functional need for the activity to be located in the coastal marine area. Conversely, activities that do not have a functional need to be located in the coastal marine area generally should not be located there (unless the non-marine related activity complements the intended use and function of the area);*
- (b) the benefits to be derived from the activity at a local, regional and national level, including the potential contribution of aquaculture and marine based renewable energy resources;*
- (c) the appropriateness of the proposed design, methodology, whether it is the best practicable option, location or route of the activity in the context of the receiving environment and any possible alternatives;*
- ...*
- (j) the degree and significance of actual or potential adverse effects of the activity on the environment, including consideration of:*
 - (i) cumulative effects of otherwise minor activities;*
 - (ii) the sensitivity of the environment with particular reference to Policy 1; and*
 - (iii) the efficacy of measures to avoid, remedy or mitigate such effects, or provide environmental compensation where effects cannot be remedied or mitigated.*

Support in part

Policy 5 (Policy 4 under the Draft Plan) is supported insofar as it provides an appropriate balance of matters that decision-makers must have regard to in determining the appropriateness of proposals for use and development within the coastal environment. In particular, the reference to the benefits to be derived from the activity (Policy 5(b)) and the extent to which alternatives have been considered (Policy 5(c)), as well as consideration of the degree and significance of potential adverse effects on the environment (Policy 5(j)). These provisions are consistent with the NPSET.

However, in regard to the first part of the policy, Transpower supports replacement of the term “Determine” on the basis ‘Determine’ is not appropriate in a policy context and infers a decision making process. The word ‘provide for’ is preferred as it sets the suitable policy direction as to those activities which may be appropriate in the coastal marine area, as well as being consistent with the policy directive in the NPSET.

Furthermore, in relation to Policy 5 (a), by only allowing the use and development in very specific circumstances which may not always be achievable, the policy does not give effect to the intention of Objective 2. It is considered that this narrow specificity is not required when a proposal will be considered on balance against all relevant sub-sections of the policy.

Transpower seeks an amendment to include the previous amendment sought by Transpower, which clearly recognises the technical, operational and/or locational requirements for activities to be located in the coastal marine area. The amendment would also delete the reference to activities that do not have a functional need to be located in the coastal marine area. The amendment would give effect to Policy 3 of the NPSET which requires consideration of the constraints imposed by technical and operational requirements when considering measures to avoid, remedy or mitigate adverse environmental effects of the National Grid.

It is noted that the term ‘functional need’ is used throughout the PCPT, but is not defined. It is Transpower’s understanding that functional need is location dependent. The Auckland Unitary Plan defines Functional need as:

The need for a proposal or activity to traverse, locate or operate in a particular environment because it can only occur in that environment.

Similarly, the Greater Wellington Regional Council's Proposed Natural Resource Plan defines Functional need as:

When an activity is dependent on having its location in the coastal marine area or in the beds of lakes and rivers.

Given the importance of the term and its use within the PCPT, and the lack of certainty as to whether it includes technical, operational and/or locational requirements, Transpower requests the term 'functional need' be defined. If a definition is provided and the term not include 'technical, operational and/or locational requirements', Transpower requests a separate reference to technical, operational and/or locational requirements be provided in the PCPT, as sought throughout Transpower's submission.

Relief Sought

That Policy 5(a) be amended as follows:

~~Determine whether~~ **Provide for** use and development of the coastal environment ~~is in an appropriate place and form and within appropriate limits~~ by having regard to:

- (a) the functional need **or technical, operational and/or locational requirement** for the activity to be located in the coastal marine area; ~~conversely, activities that do not have a functional need to be located in the coastal marine area should not be located there (unless the non-marine related activity complements the intended use and function of the area);~~

That the term 'functional need' be defined, and if that definition does not include 'technical, operational and/or locational requirement', that separate reference to technical, operational and/or locational requirement be provided in the PCPT, as sought in Transpower's submission. A suggested definition of functional need is as follows:

The locational, operational, practical or technical needs of an activity, including development and upgrades.

And any consequential amendments that arise from the amendments proposed.

14. Submission Point – POLICIES

Provision: Policy 6 Activities important to the well-being of people and communities

Recognise and provide for new and existing infrastructure of regional importance or of significance to the social, economic and cultural well-being of people and communities in Taranaki, subject to appropriate management of adverse environmental effects.

Support in part

Transpower supports the intent of Policy 6 (previously Policy 5) to recognise and provide for infrastructure of regional importance, noting that part of Transpower's proposed amendment in its submission on the Draft Plan has been incorporated into this policy. However, Transpower considers it would give better effect to the NPSET (specifically Policy 1) by referring to 'nationally' important infrastructure as well, and not rely on the interpretation that 'regionally important' also may include nationally important infrastructure.

Amendment is also sought to the policy to specifically recognise the benefits of a reliable and secure supply of electricity, thereby further giving effect to Policy 1 of the NPSET.

Relief Sought

That Policy 6 be amended as follows:

*Recognise and provide for new and existing infrastructure of **national or regional** importance or of significance to the social, economic and cultural well-being of people and communities in Taranaki, **including recognition of the benefits of a reliable, secure and efficient supply of electricity**, subject to appropriate management of adverse environmental effects.*

As an alternative to the above relief sought, Transpower would support the provision of a standalone policy which recognises and provides for the benefits of a reliable, secure and efficient supply of electricity,

And any consequential amendments that arise from the amendment proposed.

15. Submission Point – POLICIES

Provision: Policy 7 Impacts on established operations and activities

Avoid, remedy or mitigate the adverse effects of activities, including reverse sensitivity impacts, on existing lawfully established activities.

Support

Transpower broadly supports Policy 7 (previously Policy 6), noting that Transpower has no existing assets in the CMA as identified in the PCPT.

The proposed provisions for Policy 7 have been simplified from the draft provisions, with the previous explicit reference to infrastructure and activities associated with the generation, supply, storage and distribution or transmission of energy or substances including the electricity network being removed and replaced by existing lawfully established activities. Whilst Transpower's previous amendment included direct reference to the National Grid, given Transpower has no existing lawfully established activities in the Coastal Marine Area and that the National Grid is included under Regionally Important Infrastructure, Transpower supports this policy.

Relief Sought

That Policy 7 be retained.

16. Submission Point – POLICIES

Provision: Policy 8 Areas of outstanding value

Policy 8: Areas of outstanding value

Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:

(a) avoiding adverse effects of activities on the values and characteristics identified in Schedule 2 that contribute to areas:

- (i) having outstanding natural character; and/or*
- (ii) being outstanding natural features and landscape;*

within or adjoining coastal management area – Outstanding Value; and

(b) maintaining significant seascapes and visual corridors associated with outstanding natural features and landscapes, including views from within the landscapes or features, and views of the landscapes and features.

Support in part

Policy 8 is seeking to give effect to Policy 15 of the NZCPS, which includes the direction to “avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character”. Policy 8 is proposing to give effect to that policy at a regional level as follows (emphasis added) –

Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:

- (a) avoiding adverse effects of activities on the values and characteristics identified in Schedule 2 that contribute to areas:
- (i) *having outstanding natural character; and/or*
 - (ii) *being outstanding natural features and landscape;*
- within or adjoining coastal management area – Outstanding Value*

...

However, this approach in the RPS is not fully consistent with the direction under Policy 8 of the NPSET, which is (emphasis added):

In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.

Consequently, given that parts of Taranaki’s coastal environment are within the Region’s rural environment, Policy 8 of the PCPT would be unduly restrictive in respect of the planning and development of transmission infrastructure in the identified outstanding natural landscapes and areas of high natural character areas.

To resolve this issue, Transpower seeks an amendment to Policy 8 to clearly recognise that the planning and development of transmission infrastructure in the coastal parts of the Region’s rural environment should ‘seek to avoid’ rather than ‘avoid’ adverse effects on the values and characteristics of outstanding natural landscapes and areas of high natural character. This amendment sought would be in accordance with Policy 8 of NPSET, where ‘seek to avoid’ is not an absolute requirement for the National Grid and needs to be reflected within the policy wording. Transpower wishes to include reference to ‘seek to avoid’ or add a new policy subsection referencing this. Transpower supports the clause being specific to the National Grid as opposed to Regionally Important Infrastructure, given the sought amendment is in specific response to, and to give effect to, the NPSET, which is the higher order policy document.

In relation to Clause (b), Transpower supports removal of the clause on the basis seascapes, visual corridors and views are not included or identified as values within Schedule 1 or Schedule 2, or any other schedules.

Relief Sought

That clause (b) be removed as follows:

Policy 8: Areas of outstanding value

Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:

- (a) avoiding adverse effects of activities on the values and characteristics identified in Schedule 2 that contribute to areas:
- (iii) *having outstanding natural character; and/or*
 - (iv) *being outstanding natural features and landscape;*
- within or adjoining coastal management area – Outstanding Value; ~~and~~ or*

~~(b) maintaining significant seascapes and visual corridors associated with outstanding natural features and landscapes, including views from within the landscapes or features, and views of the landscapes and features.~~

That a new policy subsection be included within Policy 8 to specifically refer to the National Grid in a manner consistent with the “seek to avoid” wording of Policy 8 of the NPSET. This could be achieved by adding a new clause (b) as follows:

or

(b) Specific to the National Grid, seeking to avoid adverse effects of activities associated with the National Grid on the values and characteristics identified in Schedule 2 that contribute to areas:

(i) having outstanding natural character; and/or

(ii) being outstanding natural features and landscape;

within or adjoining coastal management area – Outstanding Value

And any consequential amendments that arise from the amendments proposed.

17. Submission Point – POLICIES

Provision: Policy 14 Indigenous biodiversity

Protect areas of significant indigenous biodiversity in the coastal environment and maintain and enhance indigenous biodiversity by:

....

(b) avoiding significant adverse effects and avoiding, remedying and mitigating other adverse effects of activities on:

Support in part

In response to the draft plan, Transpower sought an amendment to Policy 14 (previously Policy 11) to amend/clarify Policy subsection 14(b). When considering the environmental effects of a new transmission line (which would be the case within the Coastal Environment), Policy 4 of the NPSET requires that decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection. PCPT Policy 14(b) would therefore be considered within context of NPSET Policy 4.

However, in order to give effect to NPSET policies 2, 3, 4, and 8, Transpower seeks recognition of regionally important infrastructure, and acknowledgment that in order to recognise and provide for the development of the National Grid, significant adverse effects may not be able to be avoided. Transpower would support the sought amendment to the policy being specific to the National Grid if preferable to council.

Relief Sought

That Policy 14(b) be amended as follows:

Protect areas of significant indigenous biodiversity in the coastal environment and maintain and enhance indigenous biodiversity by:

....

(b) avoiding significant adverse effects and avoiding, remedying and mitigating other adverse effects of activities on:

.....

(vi)

Unless following a route, site and method selection process, the activity is necessary for the provision of regionally important infrastructure, avoidance of adverse effects

is not practicable and adverse effects are remedied or mitigated to the extent reasonably practicable.

And any consequential amendments that arise from the amendments proposed.

18. Submission Point – POLICIES

Provision: Policy 19 Surf breaks and Significant Surfing Area

Support in part

This policy is broadly supported as it appropriately references the provision of regionally important infrastructure and its precedence over all regionally significant surfbreaks. However, Transpower seeks amendments to Policy 19 to include the wording “practicable” in replacement of “possible” in accordance with NPSET Policy 8 given the direction “seek to avoid” for the National Grid does not place an absolute requirement on Transpower to avoid all high value coastal environments. The word “possible” has a very confined meaning and conveys only technical requirement whereas there may be a variety of other reasons why adverse effects cannot be avoided.

Transpower’s proposed amendment also seeks reference to ‘adverse effects’ rather than just ‘avoidance of effects’, to clarify it is adverse effects which are the issue. z

Relief Sought

That Policy 19 be amended as follows:

Policy 19: Surf breaks and Significant Surfing Area

Protect surf breaks and their use and enjoyment from the adverse effects of other activities by:

.....

(b) avoiding adverse effects on all regionally significant surf breaks, identified in Schedule 7, that are outside of the Significant Surfing Area;

*Unless **following a route, site and method selection process**, the activity is necessary for the provision of regionally important infrastructure, avoidance of **adverse** effects is not possible **practicable** and adverse effects are remedied or mitigated **to the extent reasonably practicable**;*

And any consequential amendments that arise from the amendments proposed.

19. Submission Point – POLICIES

Provision: New Policy

Support

As an alternative to the above amendments sought to Policies 8, 14, and 19, Transpower would support the provision of a standalone policy specific to the National Grid, to give effect to NPSET policies 2, 3, 4, 8 and 10.

Policy 2 requires decision-makers to recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network; Policy 3 requires consideration of the constraints by the technical and operational constraints of the network; Policy 4 requires regard to the extent to which any effects have been avoided, remedied or mitigated by the route, site and method selection; Policy 8 seeks to avoid adverse effects on certain areas; and Policy 10 relates to managing activities to avoid reverse sensitivity

effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

The provision of a standalone policy would ensure the National Grid is appropriately recognised and provided for within the PCPT.

Relief Sought

As an alternative to the above amendments sought to Policies 8, 14, and 19, that a new policy be provided as follows:

Provide for the National Grid by:

- a) Managing activities, to the extent reasonably practicable, to avoid adverse effects, including reverse sensitivity effects, on the National Grid; and**
- b) Manage the adverse effects of new National Grid infrastructure by all of the following:**
 - i) recognising there may be some areas in the coastal environment where avoidance of adverse effects is required to protect the identified special values of those areas.**
 - ii) seeking to avoid adverse effects on the values of the following:**
 - a. Areas of significant indigenous biodiversity**
 - b. Areas of outstanding value**
 - c. Places or areas containing historic heritage of regional or national significance**
 - d. Significant surf breaks**
 - iii) where it is not reasonably practicable to avoid adverse effects on the value of the areas listed in d)ii) above because of the functional, operational, technical or locational needs of the National Grid, remedy or mitigate adverse effects on those values to the extent reasonably practicable;**
 - iv) where reasonably practicable, avoiding, remedying or mitigating other adverse effects;**
 - v) consider offsetting for residual adverse effects on indigenous biological diversity.**

And any consequential amendments that arise from the amendments proposed.

20. Submission Point – POLICIES

Provision: Policy 31 Structures that support safe public access and use, or public or environmental benefit

Policy 31: Structures that support safe public access and use, or public or environmental benefit

Structures in appropriate locations will be allowed for, subject to the appropriate management of adverse effects, where the structure is to provide for:

.....

(d) the efficient operation of nationally and regionally important infrastructure.

Support in part

Transpower largely supports this policy, particularly sub-section (d) which relates to nationally and regionally important infrastructure.

However, Transpower is concerned the words 'will be allowed for' infer resource consent approval and such wording could be interpreted as predetermining a resource consent process

outcome. Suggested wording is provided below but Transpower would also support the use of alternative wording such as 'provide for'.

Relief Sought

That Policy 31 be amended as follows:

Policy 31: Structures that support safe public access and use, or public or environmental benefit

Enable s *Structures in appropriate locations ~~will be allowed for~~, subject to the appropriate management of adverse effects, where the structure is to provide for:*

.....

(d) the efficient operation of nationally and regionally important infrastructure.

And any consequential amendments that arise from the amendments proposed.

21. Submission Point – POLICIES

Provision: Policy 32 Placement of structures

Structures in the coastal marine area:

- (a) will generally be limited to those that have a functional need to be located in the coastal marine area and that do not cause duplication of a function for which existing structures or facilities are adequate;*

Support in part

As with Submission point 13, Transpower seeks an amendment to the policy which clearly recognises the technical, operational and/or locational requirement for an activity to be located in the coastal marine area.

The amendment would give effect to Policy 3 of the NPSET which requires consideration of the constraints imposed by technical and operational requirements.

Relief Sought

That Policy 32 (a) be amended as follows:

*(a) will generally be limited to those that have a functional need **or technical, operational and/or locational requirement** to be located in the coastal marine area and that do not cause duplication of a function for which existing structures or facilities are adequate;*

And any consequential amendments that arise from the amendments proposed.

22. Submission Point – POLICIES

Policy 41: Provision for disturbance, deposition or extraction activities that provide public or environmental benefit

Disturbance, deposition or extraction that is necessary to protect or maintain the safe and efficient operation of nationally and regionally important infrastructure or provide for public or environmental benefit will be allowed for, subject to appropriate management of adverse effects, including:

...

(g) operating, maintaining, repairing, or upgrading lawful structures or infrastructure;

Support in part

Policy 41 Clause (g) is supported as it recognises the benefits of nationally and regionally important infrastructure. The policy gives effect to Policy 1 of the NPSET which requires recognition and provision of the benefits of sustainable, secure and efficient electricity transmission. However, amendment is sought to also provide for the consideration of new infrastructure (being development) within the policy, therefore giving effect to Policy 1 and 2 of the NPSET which also provide for the development of the National Grid.

However, Transpower is concerned the words 'will be allowed for' infer resource consent approval and such wording could be interpreted as predetermining a resource consent process outcome. Suggested wording is provided below but Transpower would also support the use of alternative wording such as 'provide for'.

Relief Sought

That Policy 41 (g) be amended as follows:

*Disturbance, deposition or extraction that is necessary to protect, ~~or maintain or develop~~ the safe and efficient operation of nationally and regionally important infrastructure or provide for public or environmental benefit will be ~~allowed for~~ **enabled**, subject to appropriate management of adverse effects, including:*

...

*(g) operating, maintaining, repairing, ~~or~~ upgrading, **or development of** lawful structures or infrastructure,;*

And any consequential amendments that arise from the amendments proposed.

23. Submission Point – POLICIES

Policy 45: Appropriateness of reclamation or drainage

Reclamation or drainage of land in the coastal marine area will not be allowed unless:

...

(d) the activity provides significant public benefit with particular regard to the extent to which the reclamation or drainage and intended purpose would provide for the efficient operation of nationally and regionally important infrastructure including, but not limited to, ports, airports, coastal roads, pipelines, electricity transmission, railways, marinas and electricity generation.

Support in part

Policy 45 Clause (d) is supported as it recognises the benefits of nationally and regionally important infrastructure. The policy gives effect to Policy 1 of the NPSET which requires recognition and provision of the benefits of sustainable, secure and efficient electricity transmission.

However, Transpower is concerned the term 'not be allowed' infers the decline of a resource consent and such wording could be interpreted as predetermining a resource consent process outcome. Suggested wording is provided below but Transpower would also support the use of alternative wording such as 'provide for'.

Relief Sought

That Policy 45 (d) be amended as follows:

***Enable r**Reclamation or drainage of land in the coastal marine area ~~will not be allowed unless where:~~*

...

(d) the activity provides significant public benefit with particular regard to the extent to which the reclamation or drainage and intended purpose would provide for the efficient operation of nationally and regionally important infrastructure including, but not limited to, ports, airports, coastal roads, pipelines, electricity transmission, railways, marinas and electricity generation.

And any consequential amendments that arise from the amendments proposed.

Chapter 5. Regional Rules

24. Submission Point – RULES

Provision: Rules 11, 13 and 14, and Rules 35, 37, 38, 42, 43, 44, 45, 46, and 50

Support in part

Transpower supports Rules 11, 13 and 14. However, Transpower seeks that reference to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) be removed, as the NESETA only applies to existing structures and given there are no existing National Grid structures in the CMA (as identified in the PCPT) and therefore subject to the PCPT, the reference is not required. The NESETA is not applicable when erecting or placing new structures.

Similarly, in relation to Rules 35, 37, 38, 42, 43, 44, 45, 46, and 50 Transpower seeks that reference to the NESETA be removed, as the NESETA only applies to existing structures and given there are no existing structures in the CMA and therefore subject to the PCPT, the reference is not required. The NESETA is not applicable when erecting or placing new structures.

However, Transpower notes the National Environmental Standards for Telecommunication Facilities 2016 may be relevant for inclusion in the PCPT.

Relief Sought

That Rule 11 be amended as follows:

~~... excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).~~

That Rules 13, 14, 35, 37, 38, 42, 43, 44, 45, 46, and 50 be amended as follows:

~~or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).~~

And any consequential amendments that arise from the amendments proposed.

25. Submission Point – RULES

Provision: Controlled Activity Rule 22 Network utility structure erection or placement

Network utility structure erection or placement where the structure is :

- a) a pipeline that is buried or attached to a bridge or access structure;*
 - b) an outfall structure which does not come within or comply with Rule 18;*
 - c) an intake structure;*
 - d) a communication or electricity cable that is buried or attached to a bridge, access structure or pole; or*
 - e) marine communications equipment*
- and any associated:*
- a) occupation of space in the common marine and coastal area;*
 - b) disturbance of the foreshore or seabed;*
 - c) deposition in, on or under the foreshore or seabed; and*
 - d) discharge of sediment*

excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).

Support in part

Transpower supports Rule 22 but seeks clarification clause d) relates to the cable only and is not the actual support structure which is provided for in the rule.

Relief Sought

That Rule 22 d) be clarified as to whether it is the cable only which is provided for in the rule. And any consequential amendments that arise from the amendment proposed.

26. Submission Point – RULES

Provision: Discretionary Activity Rule 33 Other structure erection or placement in Estuaries Modified, Open Coast and Port not provided for in Rules 18 to 32

Structure erection or placement and any associated:

(a) occupation of space in the common marine and coastal area

and does not come within or comply with Rules 18 to 32, or any other Rule in this Plan or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).

Support in part

Transpower supports Rule 33 which details that structure erection or placement of any structure not provided for in Rules 18 to 32 is deemed to be a Discretionary Activity in the Estuaries Modified, Open Coast and Port area.

A discretionary activity status is supported as it enables a full assessment of effects.

Notwithstanding the support for the above rule, Transpower seeks that reference to the National Environmental Standards for Electricity Transmission Activities be removed, as the NESETA only applies to existing structures and is not applicable where erecting or placing new structures.

Relief Sought

That Rule 33 be amended as follows:

~~... or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6)).~~

And any consequential amendments that arise from the amendment proposed.

27. Submission Point – RULES

Provision: Non-Complying Activity Rule 34 Other structure erection or placement in Outstanding Value or Estuaries Unmodified not provided for in Rules 18 to 32

Structure erection or placement and any associated:

(a) occupation of space in the common marine and coastal area

and does not come within or comply with Rules 18 to 32, any other Rule in this Plan or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).

Support in part

Transpower supports in part, Rule 34 which details that (new) structure erection or placement of any structure not provided for in Rule 18 to 32 is deemed to be a Non-Complying Activity in Outstanding Value and Estuaries Unmodified areas.

However, in order to give effect to the NPSET, Transpower seeks an amendment to the rule framework to provide for new structures associated with the National Grid as discretionary activities within PCPT areas identified as Outstanding Values or Estuaries Unmodified.

As outlined in the introduction to this submission, the PCPT is required to give effect to the NPSET. Policy 8 of the NPSET directs that within rural environments, planning and development of the National Grid should seek to avoid adverse effects on certain identified environments (being outstanding natural landscapes, area of high natural character and recreation values and amenity and existing sensitive activities) areas. The wording of NPSET policy 8 ("should seek to avoid") does not impose an absolute requirement for the National Grid to avoid all adverse effects. Rather, the NPSET recognises total avoidance is not always possible given the technical and operational requirements of the National Grid (as recognised in Policy 3 of the NPSET). On this basis and given the national significance of the National Grid (as recognised in the NPSET), Transpower seeks a discretionary activity status for new structures associated with the National Grid within the above identified areas. As a discretionary activity, a full assessment of effects would be required as well as a route, site and method selection process (Policy 4, NPSET), appropriate conditions imposed, and the application able to be granted or declined.

In terms of the specific application of the sought rule, given the PCPT has adopted the approach of not specifically providing for the National Grid and instead includes the National Grid along with other Regionally Significant (Important) Infrastructure, Transpower supports that the new rule apply to Regionally Significant Infrastructure. Alternately, the application of the sought rule specific to the National Grid would also be supported.

Relief Sought

That Rule 34 be amended as follows:

~~*or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).*~~

And

That a new discretionary activity rule be inserted into the PCPT that provides for Regionally Significant Infrastructure (or specific to the National Grid) as a discretionary activity within areas of Outstanding Value or Estuaries Unmodified; as follows:

Rule 34A - Discretionary Activity
Outstanding Value
Estuaries Unmodified

Structure erection or placement associated with Regionally Significant Infrastructure
(or the National Grid) and any associated works:
(a) occupation of space in the common marine and coastal area

and does not come within or comply with Rules 18 to 32

And any consequential amendments that arise from the amendments proposed.

28. Submission Point – RULES

Provision: Discretionary Activity Rule 60 Other disturbance, damage, destruction, removal or deposition in Estuaries Modified, Open Coast and Port, that is not provided for in Rules 51 to 59

Disturbance, damage or destruction of the foreshore or seabed including any:

- (a) removal of sand, shell, shingle or other natural material; or*
- (b) deposition of material in, on or under the foreshore or seabed*

that does not come within or comply with Rules 51 to 59, or any other Rule in this Plan including the deemed rules in the Resource Management (Marine Pollution) Regulations 1998 (Appendix 5) or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).

Support in part

It is assumed that any new structures that requires any disturbance, damage or destruction of the foreshore or seabed would require consent under Rule 60 in addition to Rule 33, given the above listed activities are not listed as associated activities under Rule 33.

Transpower supports Rule 60 which details any disturbance, damage or destruction of the foreshore or seabed is deemed to be a Discretionary Activity in the Estuaries Modified, Open Coast and Port area.

A discretionary activity status is supported as it enables a full assessment of effects.

Notwithstanding the support for the above rule, Transpower seeks that reference to the National Environmental Standards for Electricity Transmission Activities be removed, as the NESETA only applies to existing structures and is not applicable when erecting or placing new structures. It is further noted that the NESTA does not apply when earthworks are subject to a regional rule, as could be interpreted by Rule 60.

Relief Sought

That Rule 60 be amended as follows:

~~... or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).~~

And any consequential amendments that arise from the amendment proposed.

29. Submission Point – RULES

Provision: Non Complying Activity Rule 61 Other disturbance, damage, destruction, removal or deposition in Outstanding Value or Estuaries Unmodified, not provided for in Rules 51 to 59

Disturbance, damage or destruction of the foreshore or seabed including any:

- (a) removal of sand, shell, shingle or other natural material; or*
- (b) deposition of material in, on or under the foreshore or seabed*

that does not come within or comply with Rules 51 to 59, or any other Rule in this Plan including the deemed rules in the Resource Management (Marine Pollution) Regulations 1998 (Appendix 5) or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).

Support in part

Transpower supports in part, Rule 61 which details that other disturbance, damage, destruction, removal or deposition is deemed to be a Non-Complying Activity in Outstanding Value and Estuaries Unmodified areas.

However, in order to give effect to the NPSET, Transpower seeks an amendment to the rule framework to provide for the activities associated with the National Grid as discretionary activities within PCPT areas identified as Outstanding Values or Estuaries Unmodified.

As outlined in the introduction to this submission, the PCPT is required to give effect to the NPSET. Policy 8 of the NPSET directs that within rural environments, planning and development of the National Grid should seek to avoid adverse effects on certain identified environments (being outstanding natural landscapes, area of high natural character and recreation values and amenity and existing sensitive activities) areas. The wording of NPSET policy 8 ("should seek to avoid") does not impose an absolute requirement for the National Grid to avoid all adverse effects. Rather, the NPSET recognises total avoidance is not always possible given the technical and operational requirements of the National Grid (as recognised in Policy 3 of the NPSET). On this basis and given the national significance of the National Grid (as recognised in the NPSET), Transpower seeks a discretionary activity status for disturbance, damage, destruction, removal or deposition associated with the National Grid within the above identified areas. As a discretionary activity, a full assessment of effects would be required, a route, site and method selection process (Policy 4, NPSET) appropriate conditions imposed, and the application able to be granted or declined.

In terms of the specific application of the sought rule, given the PCPT has adopted the approach of not specifically providing for the National Grid and instead includes the National Grid along with other Regionally Significant (Important) Infrastructure, Transpower supports that the new rule apply to Regionally Significant Infrastructure. Alternately, the application of the sought rule specific to the National Grid would also be supported.

Relief Sought

That Rule 61 be amended as follows:

~~or the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).~~

And

That a new discretionary activity rule be inserted into the PCPT that provides for Regionally Significant Infrastructure (or specific to the National Grid) as a discretionary activity within areas of Outstanding Value or Estuaries Unmodified; as follows:

Rule 61A - Discretionary Activity
Outstanding Value
Estuaries Unmodified

Other disturbance, damage, destruction, removal or deposition associated with Regionally Significant Infrastructure (or the National Grid) and any associated works:
(a) removal of sand, shell, shingle or other natural material; or
(b) deposition of material in, on or under the foreshore or seabed

that does not come within or comply with Rules 51 to 59, or any other Rule in this Plan including the deemed rules in the Resource Management (Marine Pollution) Regulations 1998 (Appendix 5)

And any consequential amendments that arise from the amendments proposed.

30. Submission Point – Map 44

Provision: Map 44

Support in part

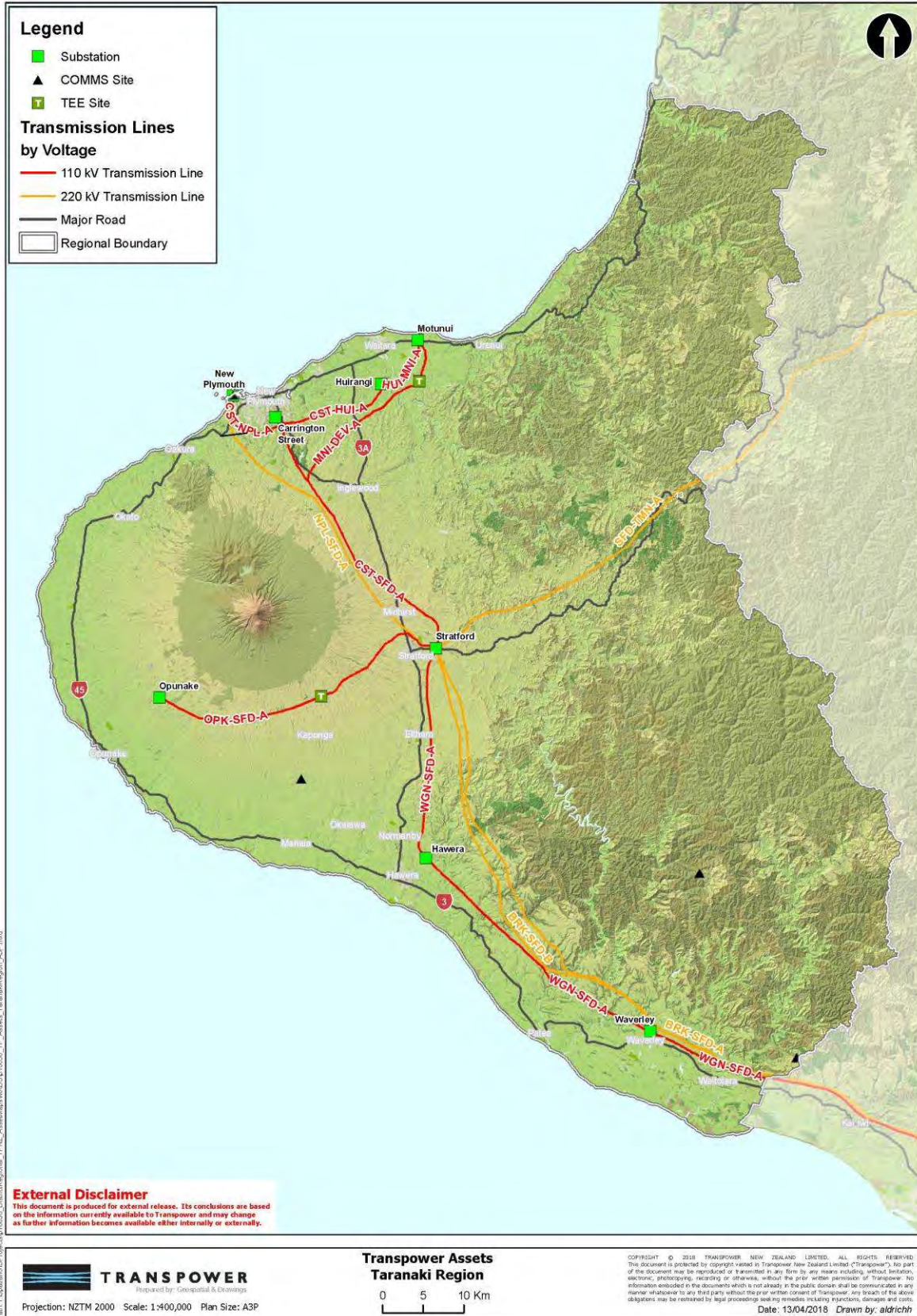
Transpower does not oppose the Outstanding Value Coastal Management Area identified in Map 44. However, it is unclear why the Outstanding Value area landward of the Indicative CMA boundary line is not aligned with the Indicative CMA boundary line. Transpower would support amendment to the map to provide alignment with the Indicative CMA boundary line and provide clarity as to the application of the PCPT rules.

Should the Indicative CMA boundary line be amended to include any existing National Grid support structures, Transpower retains the right to submit on other relevant rules in the PCPT relating to existing structures.

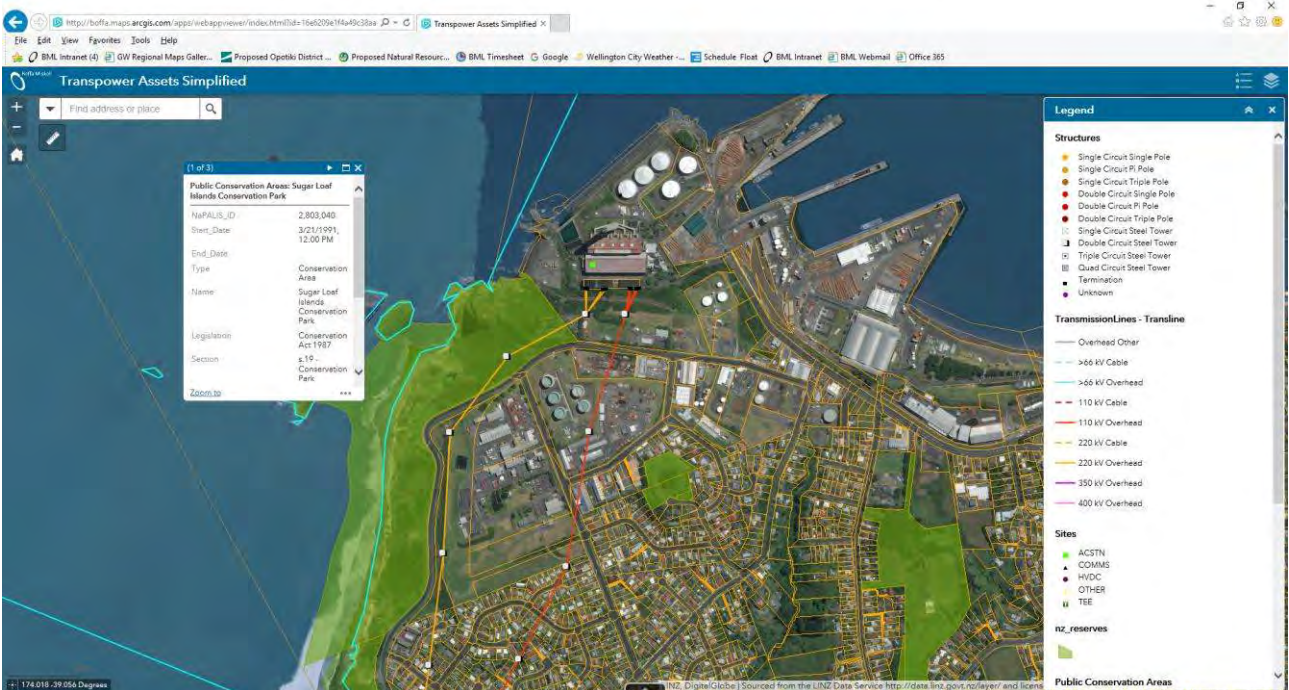
Relief Sought

That the *Indicative CMA boundary line* on Map 44 be retained, but the *Outstanding Value area* landward of the Indicative CMA boundary line be moved to align with the Indicative CMA boundary line.

Appendix 1: Map of Transpower Assets in the Taranaki Region



Appendix 2: New Plymouth substation and PCPT Mapping



Appendix 3: National Policy Statement on Electricity Transmission 2008

NATIONAL POLICY STATEMENT

on Electricity Transmission

Issued by notice in the Gazette on 13 March 2008

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newzealand.govt.nz

Preamble

This national policy statement sets out the objective and policies to enable the management of the effects of the electricity transmission network under the Resource Management Act 1991.

In accordance with section 55(2A)(a) of the Act, and within four years of approval of this national policy statement, local authorities are to notify and process under the First Schedule to the Act a plan change or review to give effect as appropriate to the provisions of this national policy statement.

The efficient transmission of electricity on the national grid plays a vital role in the well-being of New Zealand, its people and the environment. Electricity transmission has special characteristics that create challenges for its management under the Act. These include:

- Transporting electricity efficiently over long distances requires support structures (towers or poles), conductors, wires and cables, and sub-stations and switching stations.
- These facilities can create environmental effects of a local, regional and national scale. Some of these effects can be significant.
- The transmission network is an extensive and linear system which makes it important that there are consistent policy and regulatory approaches by local authorities.
- Technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects.
- The operation, maintenance and future development of the transmission network can be significantly constrained by the adverse environmental impact of third party activities and development.
- The adverse environmental effects of the transmission network are often local – while the benefits may be in a different locality and/or extend beyond the local to the regional and national – making it important that those exercising powers and functions under the Act balance local, regional and national environmental effects (positive and negative).
- Ongoing investment in the transmission network and significant upgrades are expected to be required to meet the demand for electricity and to meet the Government’s objective for a renewable energy future, therefore strategic planning to provide for transmission infrastructure is required.

The national policy statement is to be applied by decision-makers under the Act. The objective and policies are intended to guide decision-makers in drafting plan rules, in making decisions on the notification of the resource consents and in the determination of resource consent applications, and in considering notices of requirement for designations for transmission activities.

However, the national policy statement is not meant to be a substitute for, or prevail over, the Act’s statutory purpose or the statutory tests already in existence. Further, the national policy statement is subject to Part 2 of the Act.

For decision-makers under the Act, the national policy statement is intended to be a relevant consideration to be weighed along with other considerations in achieving the sustainable management purpose of the Act.

This preamble may assist the interpretation of the national policy statement, where this is needed to resolve uncertainty.

1. Title

This national policy statement is the National Policy Statement on Electricity Transmission 2008.

2. Commencement

This national policy statement comes into force on the 28th day after the date on which it is notified in the *Gazette*.

3. Interpretation

In this national policy statement, unless the context otherwise requires:

Act means the Resource Management Act 1991.

Decision-makers means all persons exercising functions and powers under the Act.

Electricity transmission network, electricity transmission and transmission activities/assets/infrastructure/resources/system all mean part of the national grid of transmission lines and cables (aerial, underground and undersea, including the high-voltage direct current link), stations and sub-stations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand.

National environmental standard means a standard prescribed by regulations made under the Act.

National grid means the assets used or owned by Transpower NZ Limited.

Sensitive activities includes schools, residential buildings and hospitals.

4. Matter of national significance

The matter of national significance to which this national policy statement applies is the need to operate, maintain, develop and upgrade the electricity transmission network.

5. Objective

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- managing the adverse environmental effects of the network; and
- managing the adverse effects of other activities on the network.

6. Recognition of the national benefits of transmission

POLICY 1

In achieving the purpose of the Act, decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. The benefits relevant to any particular project or development of the electricity transmission network may include:

- i) maintained or improved security of supply of electricity; or
- ii) efficient transfer of energy through a reduction of transmission losses; or
- iii) the facilitation of the use and development of new electricity generation, including renewable generation which assists in the management of the effects of climate change; or
- iv) enhanced supply of electricity through the removal of points of congestion.

The above list of benefits is not intended to be exhaustive and a particular policy, plan, project or development may have or recognise other benefits.

7. Managing the environmental effects of transmission

POLICY 2

In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.

POLICY 3

When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network.

POLICY 4

When considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.

POLICY 5

When considering the environmental effects of transmission activities associated with transmission assets, decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets.

POLICY 6

Substantial upgrades of transmission infrastructure should be used as an opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.

POLICY 7

Planning and development of the transmission system should minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreational value or amenity and existing sensitive activities.

POLICY 8

In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.

POLICY 9

Provisions dealing with electric and magnetic fields associated with the electricity transmission network must be based on the International Commission on Non-ionising Radiation Protection *Guidelines for limiting exposure to time varying electric magnetic fields (up to 300 GHz)* (Health Physics, 1998, 74(4): 494-522) and recommendations from the World Health Organisation monograph *Environment Health Criteria* (No 238, June 2007) or revisions thereof and any applicable New Zealand standards or national environmental standards.

8. Managing the adverse effects of third parties on the transmission network

POLICY 10

In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

POLICY 11

Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).

9. Maps

POLICY 12

Territorial authorities must identify the electricity transmission network on their relevant planning maps whether or not the network is designated.

10. Long-term strategic planning for transmission assets

POLICY 13

Decision-makers must recognise that the designation process can facilitate long-term planning for the development, operation and maintenance of electricity transmission infrastructure.

POLICY 14

Regional councils must include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.

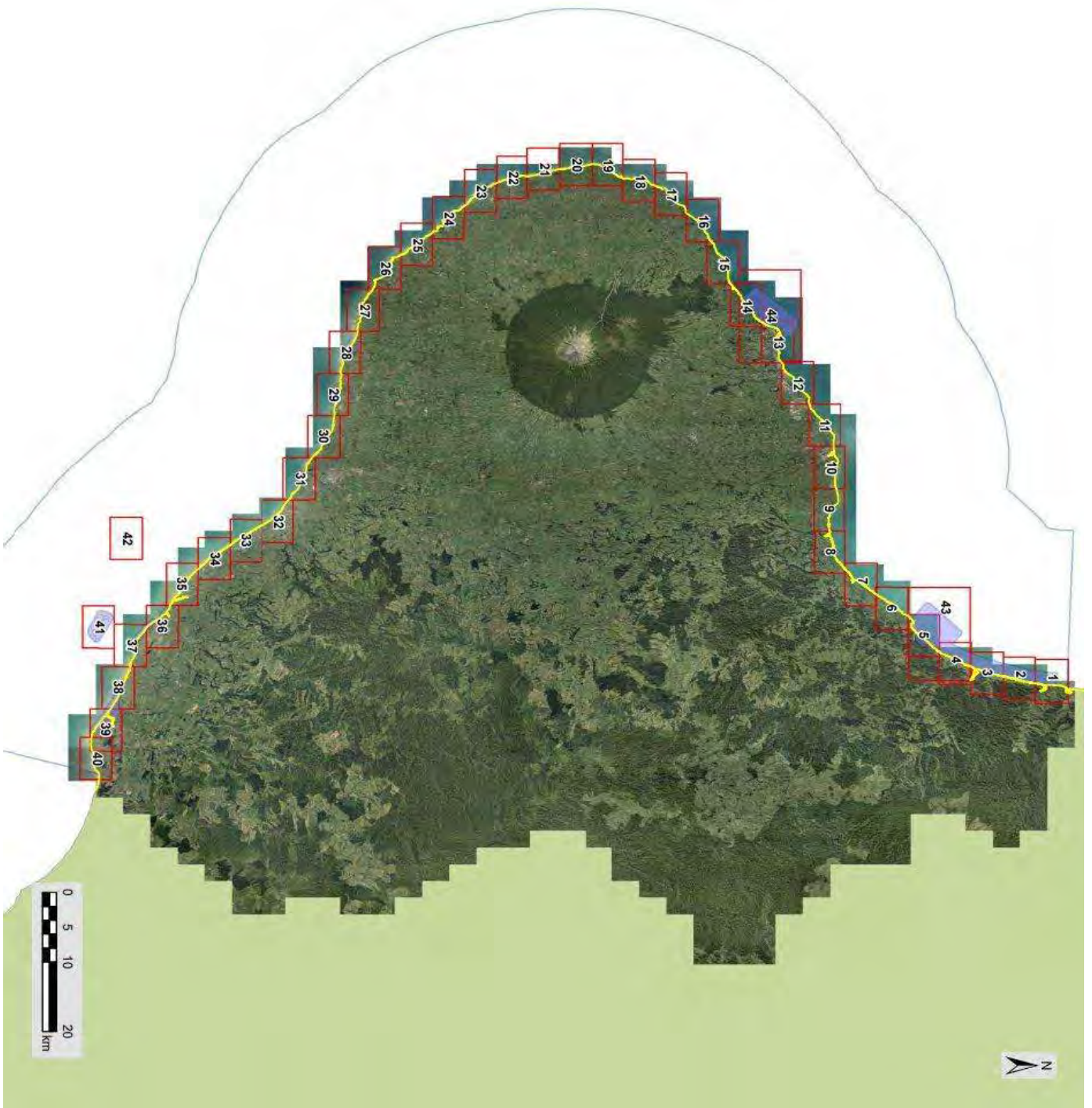
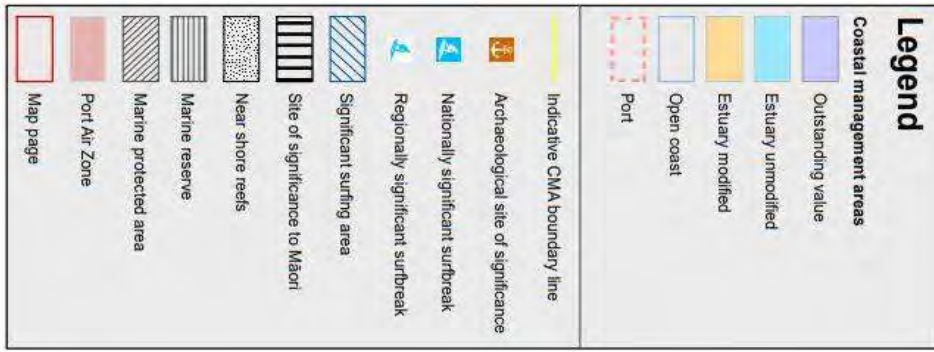
Explanatory note

This note is not part of the national policy statement but is intended to indicate its general effect

This national policy statement comes into force 28 days after the date of its notification in the *Gazette*. It provides that electricity transmission is a matter of national significance under the Resource Management Act 1991 and prescribes an objective and policies to guide the making of resource management decisions.

The national policy statement requires local authorities to give effect to its provisions in plans made under the Resource Management Act 1991 by initiating a plan change or review within four years of its approval.

Appendix 4: Outstanding Value Areas in the Taranaki Coastal Area



Your name

Arun Chaudhari

Organisation (if applicable)

Taranaki Chamber of COmmerce

Address

Chamber House
42 Egmont St
New Plymouth 4340

Daytime phone number

027 279 5161

Email address

ceo@taranakichamber.co.nz

Could you gain an advantage in trade competition through this submission?

No

Do you wish to be heard in support of your application?

Yes

Your submission on the Proposed Plan**Introduction**

The Taranaki Chamber of Commerce is the voice of Taranaki business championing the local economy as a force for economic growth, job creation and prosperity. Our vision and mission is to create a strong and vibrant Taranaki business community through advocacy, business connections and celebrating business success.

Submission

We support Objective 2 on Appropriate use and development, which states “Natural and physical resources of the coastal environment are used efficiently, and activities that depend on the use and development of these resources are provided for in appropriate locations.”

We also support Policy 6, on Activities important to the well-being of people and communities, which states that “Recognise and provide for new and existing infrastructure of regional importance or of significance to the social, economic and cultural well-being of people and communities in Taranaki, subject to appropriate management of adverse environmental effects.”

Rationale for support

Our support for these policies is based on the importance of natural and physical resources to the Taranaki region, and because it is appropriate and important for the Coastal Plan to recognise that ‘infrastructure of regional importance’ includes the oil and gas sector.

The oil and gas sector is of strategic importance to the Taranaki region and nation, and provides about 41 per cent of the regional GDP and 2.2 per cent of regional employment. Due to the petroleum industry, Taranaki can proudly claim to have the highest regional GDP per capita of \$80,297, compared to NZ average \$51,319.

The Regional Economic Activity Report 2015 from the Ministry of Business, Innovation and Employment points out that natural gas from Taranaki's fields contributes over 20 per cent of our nation's primary energy supply. Gas also forms an important component in added-value manufacturing, such as methanol produced from facilities in Motunui and Waitara and exported from Port Taranaki as well as the production of urea fertiliser in South Taranaki for use on New Zealand farms. According to the Ministry of Business, Innovation and Employment's petroleum and minerals sector report in 2013, the sector is the most productive in the New Zealand economy, with labour productivity of \$333 per hour worked (cf. NZ average of \$48), and pays average wages of \$105,000 per year, twice the national average. Policies and objectives in resource management planning documents that recognise these benefits will advantage the region going forward. In the face of the ban on offshore exploration, it is now more important than ever that regional and local policies recognise the major economic and social benefits that the petroleum sector brings to the region.

Your comment on documents incorporated by reference in the Proposed Plan, as detailed in Schedule 9 (comment optional)

Document/file 1

Document/file 2

Document/file 3

Document/file 4

Basil Chamberlain
Chief Executive, Taranaki Regional Council
coastal@trc.govt.nz

Submission to the Proposed Taranaki Coastal Environment Plan

27 April 2018

Name: Grant Knuckey

Organisation (if applicable)

Address: Tiromoana Crescent, Bell Block, NP 4312

Daytime phone number: (06) 755 0458

Email address: Grant@teatiawabusiness.co.nz

Could you gain an advantage in trade competition through this submission? No

Do you wish to be heard in support of your application? Yes

My submission on the Proposed Plan

1. My name is Grant Knuckey, I am tangata whenua and live in my rohe of Puketapu hapu of Te Atiawa, Taranaki.
2. I have a strong relationship with the moana (marine environment) around Taranaki. I have grown up with close and intimate connection to the marine space and particular places. Not just to access taonga and kaimoana but also to exercise spiritual wellbeing. It is important that the marine environment is healthy for our whanau, iwi, and wider community. It is appropriate that the coastal environment plan expresses values of significance to tangata whenua - to me, my whanau and iwi.

General themes, issues & relief sought to the Plan as a Whole

3. The proposed plan does not adequately provide for cultural wellbeing, relationship of mana whenua with ancestral and contemporary lands, waters, taonga and rohe; and does not actively protect taonga and tapu spaces within the coastal environment of Taranaki or provide for management of the rohe in partnership with mana whenua (co-governance/management provisions).
4. General relief sought below is in addition to specific relief requested.

Issue:

5. Failure to provide for Part II Resource Management Act 1991 (RMA), New Zealand Coastal Policy statement (NZCPS) including (but not limited to) Objective 3 and Policy 2, and relevant provisions of the operative and proposed Regional Policy Statement in relation to:
 - a) tino rangitiratanga
 - b) kaitiakitanga
 - c) customary values
 - d) application of matauranga Maori
 - e) tikanga
 - f) active protection of taonga

Relief sought:

6. Engage with hapu to ensure Treaty of Waitangi principles are observed; to be proactive in respect of active protection, restoration and redress; and to recognise and to ensure RMA Part II, RPS & PRPS framework is implemented to address cultural wellbeing, Treaty principles and settlement outcomes.
 - a) Amend to provide implementation methods directed at providing reports mandated by mana whenua and including cultural dimensions applying matauranga Maori.
 - b) Enter into memoranda of understanding with manawhenua.
 - c) Add policies for regional council to partner with manawhenua to maintain and enhance coastal values of the coastal marine area.
 - d) Add, refine or clarify policies to work with tangata whenua to establish ecological bottom line or agreed target for managing the natural (character and biodiversity) and cultural resources of the coastal marine area and whenua which will:
 - i. provide greater certainty in sustaining marine environments and ecosystem services.
 - ii. avoid degradation of natural character, biodiversity and habitat.
 - iii. monitoring protection and enhancement measures implemented
 - iv. establish a baseline for monitoring changes
 - v. expanded network of restored islands islets and marine spaces with protected areas where ecological health and indigenous biodiversity will be protected, enhanced and restored
 - vi. Add Implementation Methods for Plans:
7. Add implementation Methods for all applications for resource consent policy; or plan changes; or variations are to be reported on by cultural adviser(s) mandated by tangata whenua of Taranaki with costs to be borne by proponents.
8. Add content to Objectives and Polices amending or refining as required to integrate matauranga Maori into the Plan to provide Maori world views as it applies to Taranaki rohe moana and whenua.

9. Management and decision making to take into account historic, cultural and spiritual relationships of tangata whenua with the islands, reefs and waters of Taranaki and the ongoing capacity to sustain these relationships.

Matauranga Maori

Issue:

10. I support the inclusion of matauranga Maori in integrated management process. However, we consider there needs to be specific provision for its implementation:

Relief sought

11. Marine spatial plan for Taranaki rohe moana and whenua incorporating matauranga Maori in collaboration with manawhenua
12. Apply Maori attributes of mana, mauri, tapu, taonga to assessment of natural character in particular to the reefs and waters of Taranaki rohe moana and whenua.

Integrated management – coastal marine area

Issue:

13. The purpose of the RMA and RPS is to achieve integrated management. Methods need to be implemented to achieve integrated management for the marine environment facilitated by marine spatial planning. The integrated management of marine resources in terms of an ecological management approach has been developed in the international context and must be applied to the Taranaki rohe moana and the CMA to give effect to Objective 1 of the NZCPS.

Relief sought:

14. Integrated marine management implemented through integrated management of fisheries resources.
15. The proposed model gives effect to the Taranaki Regional Policy Statement objectives and policies
16. The general and specific proposed relief gives effect to the Regional Policy statement objectives and policies. Notably RPS Part C, chapter 16; Statements of resource management issues of significance to iwi authorities including: Biodiversity (BIO Obs and Pols), Coastal environment (CNV Obs and Pols) Treaty of Waitangi (TOW Obs and Pols) Kaitiakitanga (KTA Obs and Pols), Recognition of Maori relationships (REL Obs and Pols), Cultural and spiritual values (CSV Obs and Pols) .

Proposed Relief

Mapping

17. The Plan provides a limited overview through coastal management area mapping, however fails to identify all significant areas in the coastal marine area. There is also a failure to provide for the spatial extent of intrinsic relationships.
18. The coastal plan is the appropriate place to express these values.
- a) Intrinsic Values;
 - b) Maori Cultural Values;
 - c) Landscape Values
 - d) Biodiversity and Habitat Values;
 - e) Safety and navigation Values;
19. The proposed model and additions give expression to community and indigenous Maori cultural values such as tapu and taonga, providing a pathway to matauranga, and enabling the opportunities for the whole community share in and give effect to restoration of marine spaces.

Objectives

Relevant objectives

20. Objective 2: Appropriate use and development
- a) Natural and physical resources of the coastal environment are used efficiently, and;
 - b) activities that depend on the use and development of these resources are provided for in;
 - c) appropriate locations.
21. Objective 4: Life-supporting capacity and mauri, the life-supporting capacity and mauri of coastal water, land and air are safeguarded from the adverse effects, including cumulative effects, of use and development of the coastal environment.
22. Objective 9: Relationship of tangata whenua with the coastal environment, traditional, continuing and enduring relationships of tangata whenua and their cultures and traditions with the coastal environment, including the role of tangata whenua as kaitiaki, are recognised and provided for.

Policies

Relevant Policies

23. Policy 2 and Policy 5(g) helpful.
24. Suggested Changes in red

Policy 1

25. Alleviate mana whenua values from proposed Policy 16 to be included in proposed Policy 1 so that mana whenua values are integrated into the coastal marine management regime.

Policy 1: Coastal management areas

26. Manage the coastal marine area in a way that recognises that some areas have values, characteristics or uses that are more vulnerable or sensitive to the effects of some activities, or that have different management needs than other areas.
27. In managing the use, development and protection of resources under the Plan, recognition will be given to the following coastal marine spatial management areas (identified in Schedule 1) and their distinguishing values, characteristics and uses:
28. Identify two new marine spatial management areas:
 1. Wahi Tapu Areas, and
 2. Wahi Taonga Areas.

Add Policy 14

29. Maintain, enhance and restore mauri of Wahi Tapu and Wahi Taonga areas.

30. Rules

- a) Draft rules as appropriate to:
 - a. Wahi Tapu
 - b. Wahi Taonga

Examples:

- b) Removal, damage or destruction of any indigenous flora or fauna including taonga species, unless for the purpose of scientific or resource consent monitoring; or
 - c) Structures or Occupation (whether temporary or permanent) of the Conservation Management Area for the purpose of removal, damage or destruction of any indigenous flora or fauna including taonga species, unless for the purpose of scientific or resource consent monitoring.
 - d) Sediment on or in the conservation management area which cause adverse effects to indigenous flora or fauna including taonga species, unless for the purpose of scientific or resource consent monitoring.
 - e) Consideration of activities outside of the CMA that influence or impact the Wahi taonga area.
31. Prohibited status expires on completion of programme of monitoring that establishes to biological diversity vitality, health and wellbeing of ecosystem sufficient to sustain taonga species; then reverts to Discretionary status within thresholds established to ensure

activities meet “restoration of mauri” performance standards put in place by tangata whenua based on results of monitoring.

Methods of Implementation

Management of the Coastal Environment

32. Implement Plan objectives, policies and methods to achieve marine spatial planning the implementation that recognise different coastal processes, values and uses and which allow, regulate or prohibit activities in the following coastal management areas:

- a) Wahi Tapu
- b) Wahi Taonga
- c) Outstanding Value
- d) Estuaries unmodified
- e) Estuaries Modified
- f) Open Coast
- g) Port

33. Further relief: Insert Issues, objectives, policies, methods (including rules) to address the general and specific issues identified above.

34. I make this submission on behalf of myself in my own right, and the whakapapa of my tupuna and the Wellbeing of future generations of Mokopuna o Taranaki.

Nga Mihi,

Grant Knuckey
Bell Block, Taranaki

35. Comment on documents incorporated by reference in the Proposed Plan, as detailed in Schedule 9 (comment optional)

27th April 2018

Taranaki Regional Council
Private Bag 713
Stratford 4352

Proposed Coastal Plan for Taranaki

Please find enclosed the submission by the Minister of Conservation in respect of the Proposed Coastal Plan for Taranaki.

The Minister would like to acknowledge that the proposed plan is well structured, easy to use and would like to commend the Council for creating such a user-friendly plan.

As outlined in the attached submission, the plan does not however give effect to the New Zealand Coastal Policy Statement 2010 and is not in accordance with the provisions of Part 2 of the RMA. The major areas of concern are that the Taranaki Regional Council has not identified the landward extent of the Coastal Environment or mapped any areas of significant indigenous biodiversity. Amendments have been identified which are intended to address the Minister's concerns.

The amendments, additions and deletions sought in the submission relate to the Minister's statutory functions in relation to the coastal marine area, and the conservation of natural resources. The Minister's submission identifies where new objectives, policies, and rules would meet the requirements of the RMA, and in some cases, has included wording for new policies, objectives and rules.

I would welcome an opportunity to meet with you to discuss a way forward.

Please contact Angus Gray if you wish to discuss any of the matters raised in this submission (027 621 8195, agray@doc.govt.nz).

Yours sincerely



David Spiers

Director Operations

Hauraki-Waikato-Taranaki

1. This is a submission on the following proposed plan (**the proposal**):
 - 1.1. Proposed Coastal Plan for Taranaki
2. I could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that my submission relates to are set out in the Submission Table in Attachment A.
4. I oppose the omission of any mapping or spatial identification of any areas, ecosystems, and habitats that have significant indigenous biodiversity values.
5. I oppose the omission of any maps which define the landward extent of the coastal environment.
6. I support in principle the extensive schedule of sites of significance to Māori as part of taking into account the principles of Te Tiriti o Waitangi (the Treaty of Waitangi), depending on the agreement of the iwi o Taranaki.
7. The decisions sought are necessary to ensure that the proposal:
 - 7.1. achieves the purpose and principles of the RMA;
 - 7.2. gives effect to the provisions of the New Zealand Coastal Policy Statement 2010;
 - 7.3. gives effect to the Regional Policy Statement.
8. Further specific reasons are set out in the Submission Table in Attachment A.
9. I seek the following decision from the Council:
 - 9.1. That the provisions of the proposal that I support, as identified in the Submission Table in Attachment A, be retained without amendment.
 - 9.2. That the amendments, additions and deletions to the proposal sought in the Submission Table in Attachment A are made to give effect to the NZCPS, RPS, and the purpose of the RMA.
 - 9.3. Further, consequential or alternative relief to like effect as the relief sought in this submission.

11. I wish to be heard in support of my submission



.....

David Spiers

Director Operations

Hauraki-Waikato-Taranaki

Signed on behalf of the Minister of Conservation pursuant
to delegated authority.

27 April 2018

Address for service:

RMA Shared Services

Department of Conservation

Private Bag 3072

Hamilton 3240

Attn: Angus Gray

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at
Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

Attachment A – Submission Table on the Proposed Coastal Plan for Taranaki

The following table sets out further details of the Minister’s submission (with reasons) and the decisions sought with respect to the Taranaki Regional Council’s Proposed Coastal Plan for Taranaki.

The general reasons for the submission are that the decisions sought are necessary for the Proposed Coastal Plan for Taranaki to achieve the purpose of the Resource Management Act 1991 (RMA), and to give effect to the provisions of the New Zealand Coastal Policy Statement 2010 (NZCPS) and the Regional Policy Statement for Taranaki. Further specific reasons and decisions sought are given in the table below.

The specific parts of the Proposed Coastal Plan for Taranaki to which this submission relates, along with the submission (with reasons) and the relief sought, are set out in the table below.

Where any decision sought in the table below seeks specific wording inserted in a specific place, the decision sought includes the following words: ‘or words to the same effect in any other appropriate locations in the Proposed Coastal Plan for Taranaki’.

The specific provision of the Proposed Coastal Plan for Taranaki that my submission relates to:	My submission on this provision is:		I seek the following relief from the Taranaki Regional Council:
	Support/ Oppose	Reasons for my submission:	
General Points			
General	Oppose	Section 64A of the RMA (Imposition of coastal occupation charges) requires that a regional coastal plan must include some consideration of whether a coastal occupation charging regime should be included, and that if the Council considers that it should not be included, a statement to that effect must be included in the regional coastal plan.	Include a statement which contains consideration of whether a coastal occupation charging regime is included in the plan.
Identification of areas of significant indigenous species, including habitats and ecosystems.	Oppose	To give effect to Section 6(c) of the RMA and the Regional Policy Statement for Taranaki (the RPS (Bio Policies 3 and 4, page 82)) Council must prioritise the protection, enhancement and restoration of ecosystems, habitats, and areas that have significant indigenous biodiversity values. The plan does not map any significant ecosystems, habitats or areas. Instead the plan includes a schedule of significant species and ecosystems.	Map areas, ecosystems, and habitats that have significant indigenous biodiversity values.

		<p>Many of the permitted activities in this plan have a condition which requires that it must not have an adverse effect on the species or ecosystems identified in Schedule 4A. However, for a number of these activities it will be difficult for plan-users to determine the effects without a proper ecological assessment. This may result in activities being undertaken on the assumption that there will be no adverse effects on significant species, without there being any assessment of these effects.</p> <p>Schedule 4A does not give effect to the RPS as it only lists species and ecosystems. Council has omitted habitats and areas that have significant indigenous biodiversity values. These habitats and areas could include coastal bird roosting, feeding, and nesting sites, marine mammal resting, feeding and breeding areas, and migratory routes and corridors. Without mapping these areas, they are not prioritised or afforded any protection in the rules of the plan.</p> <p>I consider that relying on Schedule 4A alone to protect all significant indigenous species, ecosystems, habitats and areas is inadequate, and that this approach will not maintain and enhance indigenous biodiversity and is inconsistent with the RMA, NZCPS, and RPS.</p>	
Objectives			
Objective 5	Oppose	To give effect to policy 21 of the NZCPS, objective 5 needs to include provision for the restoration of water quality where appropriate.	Amend objective 5 to: <i>“Water quality in the coastal environment is maintained and enhanced and where quality of water in the coastal environment has deteriorated , restored where practicable.”</i>
Objective 6	Support	Includes provision for the restoration of natural character and is in line with the NZCPS.	Retain as notified.
Objective 8	Oppose	<p>Objective 8 refers to the protection of areas of significant indigenous biodiversity. Schedule 4A identifies species and ecosystems but the plan does not identify or map any <i>areas</i> of significant biodiversity.</p> <p>In order to effectively protect areas of significant biodiversity, Council needs to map areas of significant</p>	Map areas, ecosystems, and habitats that have significant indigenous biodiversity values.

		indigenous biodiversity (see general submission point above).	
Objective 12	Oppose	To give effect to Policy 18 of the NZCPS and improve consistency with Policy 17 of the Plan, the use of the word 'people's' should be avoided. The word <i>people</i> can include private use and instead it should be replaced with 'The public's'.	Amend objective 12 to: <i>"The public's people's use and enjoyment of the coastal environment, including amenity values, traditional practices and public access to and within the coastal environment, is maintained and enhanced"</i>
Policies			
Policy 1	Oppose	Most of the Taranaki coastal environment is identified in the plan as 'open coast'. The Section 32 Evaluation Report identifies that the coastal waters contain significant marine habitats. The open coast contains a range of marine biodiversity that none of the other management areas have and should therefore be identified as a characteristic of that area.	Include a new characteristic of the open coast to policy 1(d): <i>"(v) provide important habitats for marine species"</i>
Policy 2	Oppose	The wording of provision (c) of policy 2 is not clear. The wording is difficult to interpret and requires clarification.	Reword the policy to clarify how provision (c) of policy 2 will provide for integrated management of the coastal environment.
Policy 3	Support	The precautionary approach is supported, when considered with the detailed definition of adaptive management.	Retain as notified
Policy 4	Oppose	The inland boundary of the coastal environment should be defined, delineated and mapped. The plan contains objectives and policies which apply to the coastal environment, including the area landward of the coastal environment but it does not define how far inland these policies apply. Determining the inland extent of the coastal environment on a case by case consenting level creates uncertainty. Without identifying the geographic extent of the plan's influence, users of the New Plymouth District Plan, South Taranaki District Plan, and other regional plans will not know if the policies and objectives of the Proposed Coastal Plan apply. It is left to the consenting teams of three different councils to determine the landward extent of the coastal environment in isolation from one another.	Identify and map the landward extent of the coastal environment.

		This approach is not an integrated management approach and may result in a lack of consistency when managing coastal resources.	
Policy 8	Oppose	The introductory sentence mentions protecting the areas identified in Schedule 1, but provision a) refers to Schedule 2. For consistency they should both refer Schedule 2.	Amend the introductory sentence to: "Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 1 <u>2</u> from inappropriate use and development by..."
Policy 9	Oppose	Policy 9 of the plan refers to " <i>all other areas not identified in Schedule 2</i> ", as policy 8 is intended to cover those areas. Policy 9 however, offers a broader, wider range of considerations and policies for the protection of natural character than policy 8, which limits the avoidance of effects to apply to only those values and characteristics identified in Schedule 2. It is inappropriate for coastal areas of outstanding value to have less protection than all other areas. Policy 9 should also apply to coastal areas of outstanding value.	Amend Policy 9 to: "Protect all other areas of <i>the natural character, features, and landscapes of</i> the coastal environment not identified in Schedule 2 by:"
Policy 14	Oppose	Policy 14 refers to 'areas' of significant indigenous biodiversity, but the plan has not defined or mapped any of these areas. With the same reasoning as the general submission point 'identification of areas of significant indigenous species, including habitats and ecosystems', there needs to be mapping of significant indigenous biodiversity. It is also however inappropriate to protect <i>only</i> those mapped areas. The policy confines biodiversity protection to 'areas'. To give effect to policy 11 of the NZCPS it must protect all indigenous biodiversity in the coastal environment.	Map areas, ecosystems, and habitats that have significant indigenous biodiversity values, and; Amend Policy 14 to: "protect areas of significant indigenous biodiversity in the coastal environment and maintain and enhance indigenous biodiversity by..."
Policy 18	Oppose	Policy 18 only applies to surf breaks, coastal areas of outstanding value identified in Schedule 2, and sites with significant amenity value identified in Schedule 6. There is an unnecessary exclusion of the open coast from the policy resulting in there being no protection of the amenity values of the majority of the Taranaki region's coastal environment. To give effect to policies 6, 13, and 18 of the	Amend policy 18 by including a new provision: <i>"(e) other areas of the coastal environment with significant amenity values not identified in the Schedules referred to in (a),(b), (c) and (d)."</i>

		NZCPS, policy 18 should be reworded so that the amenity value of areas not listed in Schedule 2 are recognised.	
Policy 28	Support	Support Policy 28 but with a minor amendment. It's not appropriate to refer to "scraping". Cleaning is a general description (scraping is only one type of cleaning), but more importantly, it is a method that should not be used with many types of antifoul coatings used on vessels.	Delete the words "and scraping" from policy 28 (a).
Policy 41	Support	Policy 41 (f) in particular contributes to giving effect to NZCPS policy 12.	Retain as notified
Methods of Implementation			
Method 6.4	Oppose	Include a new method of implementation which addresses the increased number of blue penguin deaths along the beaches of Taranaki by domestic dogs off leashes. District bylaws are likely the primary method for addressing this issue, but regional council can implement its indigenous biodiversity policy by encouraging district councils to enforce their dog control bylaws.	Include new method of implementation under the subsection: 6.4 Natural Heritage: <i><u>"Encourage district councils to enforce dog control bylaws to preserve indigenous biodiversity by reducing the risk of dogs killing or injuring native birds, marine mammals and other indigenous species."</u></i>
Method 6.8, No. 48	Support	Support all of Other Method No.48 but particularly (b) to (e) which contribute to giving effect to NZCPS policy 12.	Retain as notified
Rules			
Rule 1	Oppose	The permitted classification of storm water discharges into the outstanding value coastal management areas and unmodified estuaries is inappropriate. To give effect to policies 13 and 11 of the NZCPS and minimise the potential for adverse effects there needs to be a higher level of control in these areas.	Remove outstanding value and estuaries unmodified from the coastal management area of Rule 1. As a consequence, add a reference to this new rule to rule 3.
New Rule			Include a rule after rule 1 which deals with stormwater discharge in the outstanding value and estuaries unmodified coastal management areas, with a classification of controlled. The matters of control should be to the same effect as the conditions of rule 1.
Rule 5	Support	Prohibiting the discharge of untreated human waste into water or onto land in the coastal environment is supported and gives effect to the NZCPS.	Retain as notified.
Rule 9	Oppose	While rule 9 seeks to be consistent with the Anti-fouling and In-Water Cleaning Guidelines 2013, some amendments are needed to minimise the risk of	i. Delete the words "Sampling, scraping and/or" from the activity description. ii. Insert a new standard (b) "microfouling may be cleaned without capture;"

		<p>introducing or spreading a harmful aquatic organism as follows:</p> <ul style="list-style-type: none"> i. It's not appropriate to refer to "scraping". Cleaning is a general description (scraping is only one type of cleaning), but more importantly, it is a method that should not be used with many types of antifoul coatings used on vessels. "Sampling" should also be removed from the activity description so that it is clear that the rule is about the cleaning of biofouling. ii. Three new standards be included after the notified standard (a) and replacing the notified standard (b) providing that: the cleaning of microfouling and goose barnacles can be undertaken without the need for capture and removal of biological material; and only macrofouling less than or equal to LOF 2 on the LOF scale developed by Floerl et al 2005 be allowed to be cleaned but with capture as notified standard (b) required, for the following reasons: <ul style="list-style-type: none"> a. Microfouling (refer new definitions to be included) is impossible to prevent and begins to develop as soon as a vessel or structure enters water. Microfouling is of low biosecurity risk. b. Goose barnacles are also of low biosecurity risk – they are ubiquitous and distinctive from other types of barnacles. They are able to be identified by divers without the need for taxonomic expertise. For these reasons they have been exempted from MPIs Craft Risk Management Standard for vessel biofouling for long stay vessels. Both the IMO (International Maritime Organisation) Guidelines (2011)¹ and the Anti-fouling and In-water Cleaning Guidelines (2013)² seek to encourage maintenance 	<ul style="list-style-type: none"> iii. Insert a new standard (c) "goose barnacles may be cleaned without capture;" iv. Insert new standard (d) "macrofouling (other than goose barnacles) coverage on the ship vessel, moveable structure or navigational aid shall be less than or equal to 2 on the Level of Fouling rank (Floerl et al (2005)³); v. Insert new standard (e) "all biological material greater than 50 microns in diameter dislodged during cleaning (other than goose barnacles) shall be captured and disposed of at an approved landfill; and" vi. Insert new standard (f) "if any person undertaking or responsible for the cleaning, suspects that harmful or unusual aquatic species (including species designated as unwanted organisms or pest species under the Biosecurity Act 1993) are present on the ship, structure or navigational aid, that person shall take the following steps: <ul style="list-style-type: none"> i. any cleaning activities commenced shall cease immediately, and ii. the Taranaki Regional Council and the Ministry for Primary Industries shall be notified without unreasonable delay; and iii. the cleaning may not recommence until notified by the Council to do so, or in the event a designated unwanted organisms or pest species is found, notified to do so by the Ministry for Primary Industries. vii. Insert new Note "For the purposes of the above, further guidance is provided in the Anti-fouling and In-water Cleaning Guidelines (June 2013). viii. Insert new Note "International vessels arriving in New Zealand waters have additional obligations under the Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand (May 2014).
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¹ International Maritime Organization (2011) Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species. Annex 26. Resolution MEPC.207(62): 25.

² Australian Department of Agriculture, Fisheries and Forestry and Department Sustainability, Environment, Water, Population and Communities and New Zealand Ministry for Primary Industries (2013) Anti-fouling and In-water Cleaning Guidelines, Department of Agriculture, Fisheries and Forestry, Canberra. CC BY 3.0.

³ Floerl, O.; Inglis, G. 2005: Starting the invasion pathway: the interaction between source populations and human transport vectors. Biological Invasions 7: 589–606.

		<p>of vessels and moveable structure to maintain biofouling growth at the microfouling.</p> <p>c. Allowing a vessel that has not been outside the region since it was last cleaned to clean any level of fouling without capture and removal from the CMA carries an unacceptable risk. The more developed macrofouling is the higher the risk it could contain a harmful aquatic organism. In addition, it's possible that a vessel that has not left the region could have come into contact with another vessel or moveable structure that does have harmful aquatic organisms on it.</p> <p>d. "treatment" should not be included in a permitted activity rule. It is more appropriate that treatment be considered case by case given the discharge could contain toxic contaminants (i.e. acetic acid, chlorine etc)</p> <p>iii. Amend notified standard (c), now (f) after the 3 new standards referred to above, that better reflects the legislative requirements under the Biosecurity Act 1993 and also requires the Taranaki Regional Council to be notified</p> <p>iv. Include the following "Notes" to assist plan users:</p> <p>a. For the purposes of the above, further guidance is provided in the Anti-fouling and In-water Cleaning Guidelines (June 2013).</p> <p>b. International vessels arriving in New Zealand waters have additional obligations under the Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand (May 2014).</p>	<p>Refer to Attachment B – Revised permitted activity Rule 9 for in-water cleaning of biofouling.</p>
Rule 10	Oppose	<p>It's not appropriate to refer to "scraping". Cleaning is a general description (scraping is only one type of cleaning), but more importantly, it is a method that should not be used with many types of antifoul coatings used on vessels. "Sampling" should also be removed from the activity description so that it is clear that the rule is about the cleaning of biofouling.</p>	<p>Delete the words "Sampling, scraping and/or" from the activity description.</p>

Rule 12	Support	The inclusion of the 2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations is supported. This code of conduct is currently undergoing a review. There are currently investigations into a potential whale sanctuary in the Taranaki coastal environment, and Taranaki Regional Council should reconsider this rule if a sanctuary is established.	Retain as notified.
Rule 18	Oppose	To give effect to the NZCPS and the RPS (page 90) there needs to be more control of potential adverse effects in coastal areas of outstanding value and estuaries unmodified. The permitted classification of outfall structures in these coastal management areas is inappropriate. In these areas there needs to be some form of assessment of effects on historic heritage, indigenous biodiversity, and natural character in order to give effect to policies 11, 13, and 17 of the NZCPS.	Remove outstanding value and estuaries unmodified from the coastal management areas of rule 18.
New Rule		A new rule should be included that deals with outfall structures in coastal areas of outstanding value and estuaries unmodified. This activity should have a controlled classification. This will provide certainty and guarantee an assessment of effects on historic heritage, indigenous biodiversity, and natural character.	Insert a new rule after rule 18 which deals with outfall structures in the outstanding value and estuaries unmodified coastal management areas with a classification of controlled. Conditions (a), (b), (c), and (d) of rule 18 should also be conditions for this new rule. The matters of control should at a minimum, address any effects on natural character, significant species, historic heritage, and any mitigation of effects on these values.
Rule 20	Support	The Department often uses monitoring moorings in the coastal environment during its operations and supports the permitted classification of mooring structure placement for monitoring or sampling equipment.	Retain as notified.
Rule 21	Oppose	The erection of maritime navigation aids should not be a permitted activity for any member of the public. Instead the activity should be permitted for only the Taranaki Regional Council or its agents, Maritime New Zealand or its agents, or Port Taranaki provided that these agencies agree to this responsibility.	A condition should be inserted before condition (a) as follows: <i><u>"The activity is undertaken by:</u></i> <i>(i) <u>Taranaki Regional Council or its agents; or</u></i> <i>(ii) <u>Port Taranaki; or</u></i> <i>(iii) <u>Maritime New Zealand or its agents."</u></i>
Rule 22	Oppose	The burial of pipes and cables may have significantly different levels and types of effects compared to attaching a pipe to a bridge and should be a discretionary activity.	Remove "a pipeline that is buried" and "a communication or electricity cable that is buried" from the activity description.

New Rule			Insert a new rule which deals with network utility structure erection or placement where the structure is a pipeline that is buried, or a communication or electricity cable that is buried. This rule should have a restricted discretionary classification.
Rule 24	Support	Whitebait is comprised of the juvenile stage of 5 species of fish. Three of these species (<i>Galaxias argenteus</i> , <i>Galaxias maculatus</i> , <i>Galaxias brevipinnis</i>) are at risk-declining, and <i>Galaxias postvectis</i> is at-risk – threatened. Prohibiting the erection of whitebaiting structures is supported.	Retain as notified.
Rule 31	Oppose	Temporary military training in the coastal environment could have very significant effects, especially in unmodified estuaries, where military vehicles may cause adverse effects (including crushing, compaction, tracking, vegetation destruction and surface alteration) on vulnerable areas such as mudflats, shellfish/crab beds, saltmarsh and estuarine vegetation.	Remove “estuaries unmodified” from the applicable coastal management areas.
Rule 32	Oppose	With the same reasoning as above, estuaries unmodified should be removed from this rule due to potentially significant adverse effects, especially as this activity may involve explosives and excavation. The previous rule (rule 31) includes a condition which limits the occupation for no more than three weeks. This rule (rule 32) refers to <i>temporary</i> military training activities but does not define the time limit for a temporary activity. For consistency this should also be three weeks. The note should read “...refer to Rule 33 or Rule 34...” instead of Rule 32 and Rule 33.	Remove “estuaries unmodified” from the applicable coastal management areas. Include a condition after (c): <u>“occupation is for a period of no more than three consecutive weeks”</u> Amend advice note to: “...refer to Rule 32 33 and 33 34...” (the exact numbering may change with the insertion of new rules)
New Rule			Include a rule which deals with temporary military training activities that do not come within or comply with rule 31 or rule 32. This rule should have a discretionary activity status.
Rule 35	Oppose	In order to minimise disturbance to the coastal environment and give effect to policy 11 of the NZCPS, conditions need to be included which address possible adverse effects arising from the use of machinery, vehicles, and the storage of materials associated with structure maintenance etc.	Include conditions which address the following matters: How the use of vehicles and machinery in the coastal environment will be avoided where possible, and minimised/effects mitigated where necessary (including taking the shortest and least sensitive route).

		<p>Vehicles in the coastal environment can result in adverse effects (including crushing, compaction, tracking, vegetation destruction and surface alteration) on vulnerable areas such as mudflats, shellfish/crab beds, saltmarsh and estuarine vegetation.</p> <p>Minimising these impacts can be done by such methods as choosing the shortest and least sensitive route, using small & light machinery where necessary, minimising excavation and managing weed risks.</p>	<p>The requirement for construction equipment including spoil, litter or equipment to be removed within 24 hours of completion of any works.</p> <p>The prohibition of any refuelling or fuel storage occur within the coastal environment. Methods should be employed to avoid any fuel spillage.</p>
Rule 36	Support	The discretionary classification of this activity is supported.	Retain as notified.
Rule 37	Oppose	There needs to be some control on the functional necessity for the structure to be extended beyond its original size.	Amend the rule to Include a provision about limiting the size of any extension.
Rule 38	Oppose	<p>The removal and replacement of structures in the coastal environment is likely to involve the use of vehicles and machinery in the coastal environment. In order to minimise disturbance to the coastal environment and give effect to policy 11 of the NZCPS, conditions need to be included which address possible adverse effects arising from the use of machinery, vehicles, and the storage of materials when removing and placing structures.</p> <p>Vehicles in the coastal environment can result in adverse effects (including crushing, compaction, tracking, vegetation destruction and surface alteration) on vulnerable areas such as mudflats, shellfish/crab beds, saltmarsh and estuarine vegetation.</p> <p>Minimising these impacts can be done by such methods as choosing the shortest and least sensitive route, using small & light machinery where necessary, minimising excavation and managing weed risks.</p>	<p>Include conditions which address the following matters:</p> <p>How the use of vehicles and machinery in the coastal environment will be avoided where possible, and minimised/effects mitigated where necessary (including taking the shortest and least sensitive route).</p> <p>The requirement for construction equipment including spoil, litter or equipment to be removed within 24 hours of completion of any works.</p> <p>The prohibition of any refuelling or fuel storage occur within the coastal environment. Methods should be employed to avoid any fuel spillage.</p>
Rule 44	Oppose	The removal or demolition of structures from the coastal environment is likely to involve the use of vehicles and machinery in the coastal environment. With the same reasoning as above (submission on rule 38), there needs to be greater controls around the use of machinery, vehicles, and the storage of materials when removing and demolishing structures.	<p>Include conditions which address the following matters:</p> <p>How the use of vehicles and machinery in the coastal environment will be avoided where possible, and minimised/effects mitigated where necessary (including taking the shortest and least sensitive route).</p> <p>The requirement for construction equipment including spoil, litter or equipment to be removed within 24 hours of completion of any works.</p>

			The prohibition of any refuelling or fuel storage occur within the coastal environment. Methods should be employed to avoid any fuel spillage.
Rule 45	Oppose	The description of the activity reads “...and the activity does not comply with Rule 45...” when it should refer instead to the previous permitted rule 44.	Amend rule 45 activity description to: “...and the activity does not comply with Rule 45 44...” (the exact numbering may change with the insertion of new rules)
Rule 50	Oppose	Rule should say 47 – 49.	Amend rule to: “...and the activity does not come within or comply with Rules 47- 50 49”
Rule 51	Oppose	The activity description should specify lawfully established outfalls.	Amend Rule 51 to: “Clearance of lawfully established outfalls, culverts and intake structures...”
Rule 54	Oppose	Most of the marine mammals that the Department buries are dead seals. The frequency of the burial of dead seals means that it will likely be impractical to consult with iwi for every seal burial. Further, the Taranaki Iwi Deed of Settlement (Section 3.1, paragraph 6.2, page 40) adequately covers the requirement for the Department to cooperate with and advise iwi of any marine mammal stranding and burials. An exception should be made for the notification of iwi when the dead animal to be buried is a seal.	Amend Rule 54(e) to: “ <i>except for seals</i> , where a marine mammal is buried, the relevant iwi authority is notified prior to the burial taking place”
Rule 57	Oppose	Beach replenishment should not allow for material that is significantly different in terms of the particle size of material. To prevent adverse effects on the receiving environment, the rule needs to include some control over the nature of the material, specify a grain size of particle so that the material is similar to that of the receiving environment. Nourishment material should be like-for-like.	Amend activity description to: “deposition of natural <i>marine</i> material...” Include controls around particle size, and requirements for marine material similar to that of receiving environment.
Rule 58	Support	The discretionary classification of this activity is considered appropriate. Exotic plant species can pose a biosecurity threat to native species and ecosystems and should be avoided where possible.	Retain as notified
Rule 59	Support	The non-complying classification of this activity is considered appropriate. Exotic plant species can pose a biosecurity threat to native species and ecosystems and should be avoided where possible, especially in areas like unmodified estuaries and areas of outstanding value.	Retain as notified.

Rule 62	Support	The non-complying classification of this activity is considered appropriate. This rule gives effect to policy 10 of the NZCPS.	Retain as notified.
Rule 63	Support	The discretionary classification of this activity is considered appropriate. This rule gives effect to policy 10 of the NZCPS.	Retain as notified.
Rule 64	Support	The prohibited classification of this activity is considered appropriate. This rule gives effect to policy 10 of the NZCPS.	Retain as notified.
Definitions			
Adaptive Management	Support	This definition is linked to the effective implementation of policy 3 of the Plan (page 21) and is considered appropriate.	Retain as notified.
Estuary Modified	Oppose	The definition of estuaries should also capture the outlets.	Amend definition to: “means the coastal management area identified in Schedule 1 of the Plan, as the Pātea, Waiwhakaiho or Waitara Estuaries <i>and their outlets</i> , and which are surrounded by urban, extensively modified, environments.”
Estuary Unmodified	Oppose	The definition of estuaries should also capture the outlets.	Amend definition to: “refers to estuaries identified in Schedule 1 of the Plan, <i>and their outlets</i> that are permanently open to tidal movements and are characteristically largely unmodified”
New Definition: Microfouling		Insert the definition of “microfouling” from Appendix 5 of the Anti-fouling and In-water Cleaning Guidelines (2013) ⁴ . This definition is necessary for the new standard requested to be inserted into rule 9.	Insert a new definition: “Microfouling – is a layer of microscopic organisms including bacteria and diatoms and the slimy substances they produce. Often referred to as a ‘slime layer’, microfouling can usually be removed by gently passing a finger over the surface.”
New Definition: Macrofouling		Insert a definition of macrofouling.	“Macrofouling - is any organism not included in the definition of microfouling”
Natural feature	Oppose	This definition should include more specific references to the identifying characteristics outlined in Policy 15(c) of the NZCPS.	Amend definition to better reflect policy 15 of the NZCPS.
Natural character	Oppose	This definition should have regard to the specific provisions of policy 13 of the NZCPS.	Amend definition to better reflect policy 13 of the NZCPS.

⁴Australian Department of Agriculture, Fisheries and Forestry and Department Sustainability, Environment, Water, Population and Communities and New Zealand Ministry for Primary Industries (2013) Anti-fouling and In-water Cleaning Guidelines, Department of Agriculture, Fisheries and Forestry, Canberra. CC BY 3.0.

Attachment B – Revised permitted activity Rule 9 for in-water cleaning of biofouling.

Activity: Cleaning of biofouling from the part of a ship, moveable object or navigation aid that is normally below the water surface, resulting in the discharge of a contaminant into water in the coastal marine area and any associated:

- (a) deposition on the foreshore or seabed.

Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 13.

Rule: 9

Coastal Management Area: Port

Classification: Permitted

Standards/terms/conditions:

- (a) the anti-foul coating on the ship, moveable structure or navigational aid has not exceeded its planned service life as, specified by the manufacturer, and the cleaning method shall be undertaken in accordance with the coating manufacturer's recommendations;
- (b) microfouling may be cleaned without capture;
- (c) goose barnacles may be cleaned without capture;
- (d) macrofouling (other than goose barnacles) coverage on the ship, moveable structure or navigational aid shall be less than or equal to 2 on the Level of Fouling rank (Floerl et al (2005)¹);
- (e) all biological material greater than 50 microns in diameter dislodged during cleaning (other than goose barnacles) shall be captured and disposed of at an approved landfill; and
- (f) if any person undertaking or responsible for the cleaning, suspects that harmful or unusual aquatic species (including species designated as unwanted organisms or pest species under the Biosecurity Act 1993) are present on the ship, structure or navigational aid, that person shall take the following steps:
 - i. any cleaning activities commenced shall cease immediately, and
 - ii. the Taranaki District Council and the Ministry for Primary Industries shall be notified without unreasonable delay: and
 - iii. the cleaning may not recommence until notified by the Council to do so, or in the event a designated unwanted organisms or pest species is found, notified to do so by the Ministry for Primary Industries.

Notes

1. For the purposes of the above, further guidance is provided in the Anti-fouling and In-water Cleaning Guidelines (June 2013).
2. International vessels arriving in New Zealand waters have additional obligations under the Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand (May 2014).

Footnotes

- 1 Defined in Floerl et al (2005) as Light Fouling 1-5% of visible surface covered by very patchy macrofouling. Remaining area often covered in microfouling. *Floerl, O.; Inglis, G. 2005: Starting the invasion pathway: the interaction between source populations and human transport vectors. Biological Invasions 7: 589–606.*

A Risk-Based Predictive Tool to Prevent Accidental Introductions of Nonindigenous Marine Species

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ABSTRACT / Preventing the introduction of nonindigenous species (NIS) is the most efficient way to avoid the costs and impacts of biological invasions. The transport of fouling species on ship hulls is an important vector for the introduction of marine NIS. We use quantitative risk screening techniques to develop a predictive tool of the abundance and variety of organisms being transported by ocean-going yachts. We developed and calibrated an ordinal rank scale of the abundance of fouling assemblages on the hulls of

international yacht hulls arriving in New Zealand. Fouling ranks were allocated to 783 international yachts that arrived in New Zealand between 2002 and 2004. Classification tree analysis was used to identify relationships between the fouling ranks and predictor variables that described the maintenance and travel history of the yachts. The fouling ranks provided reliable indications of the actual abundance and variety of fouling assemblages on the yachts and identified most (60%) yachts that had fouling on their hulls. However, classification tree models explained comparatively little of the variation in the distribution of fouling ranks (22.1%), had high misclassification rates (~43%), and low predictive power. In agreement with other studies, the best model selected the age of the toxic antifouling paint on yacht hulls as the principal risk factor for hull fouling. Our study shows that the transport probability of fouling organisms is the result of a complex suite of interacting factors and that large sample sizes will be needed for calibration of robust risk models.

Preventing the introduction and establishment of nonindigenous species (NIS) is the safest and most efficient way to avoid the costs and impacts associated with biological invasions (Mack and others 2000, Rejmánek 2000, Leung and others 2002, Marchetti and others 2004). A major goal of research in this area, therefore, is to develop better ways of identifying the species that are likely to cause harm and the circumstances in which they are likely to be introduced, become established, and spread.

International trade and tourism are major pathways for the movement of species between countries and biogeographic ranges (Jenkins 1999, Levine and D'Antonio 2003). Interception systems that effectively identify high-risk species (those likely to cause harm if they become introduced and established) or transport vectors (those likely to carry nonindigenous species or their propagules) before they reach the country are

important measures for preventing or minimizing new introductions. Many countries have now adopted risk-screening protocols to identify species whose importation should be restricted (so-called "dirty lists") or allowed ("clean lists") (e.g., the Weed Risk Assessment of Australia (Steinke 1999) and the Ecological Risk Assessment Framework of the USA (Reichard and Hamilton 1997). Until recently, the development of these lists was based largely on expert opinion or qualitative assessments of putative invasive characteristics, and the predictive ability of the framework was uncertain. Increasingly, more sophisticated, quantitative predictive techniques such as Discriminant Analysis, Logistic Regression, and Classification and Regression Tree Analysis (CART) have been applied to develop more robust, defensible lists that have an estimated measure of prediction success (Reichard and Hamilton 1997, Kolar and Lodge 2002, Grigorovich and others 2003). For example, using classification and regression tree analysis, Kolar and Lodge (2002) categorized established, quickly spreading, and nuisance species of nonindigenous fish in the Great Lakes with 87% to 94% accuracy, and identified species that pose a high risk if introduced from unintentional or intentional pathways. Because they target particular species,

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such techniques hold considerable promise for controlling intentional introductions, but have had limited application in the management of accidental introductions. Variability in the probability of transportation (e.g., not all species in a port will be taken up with ships' ballast water) and survival within the transport pathway adds an extra dimension of stochasticity to the likelihood that any particular species will arrive in a given country (Smith and others 1999, Wonham and others 2000). In these circumstances, it is often more useful to treat all introductions as potentially harmful and to identify high-risk vectors that are likely to contain a large number of individuals or species (Wonham and others 2001).

Most introductions of nonindigenous marine species occur accidentally, through the transport of ballast water or fouling organisms on the hulls of ships and other ocean-going structures (Carlton 1985, Carlton and Geller 1993, Cranfield and others 1998, Hewitt and others 1999, Ruiz and others 2000). Risk-screening models developed for ballast-water transport, such as Australia's Ballast Water Decision Support System (BWDSS), aim to identify high-risk vectors as they arrive in port, but are based mostly on transport probabilities for particular target species (Hayes and Hewitt 2000, Hayes 2003). In this article, we use quantitative risk screening techniques to identify characteristics of vessels or their history that may be useful predictors of the total abundance or variety of fouling organisms being transported by them.

Fouling assemblages develop on the submerged surfaces of commercial and private vessels (for comprehensive reviews refer to AMOG Consulting 2002 and Marine Science and Ecology 2002). Most (60–69%) of the marine NIS recorded in Australia, New Zealand, and Hawaii are fouling organisms that are thought to have been introduced accidentally on the hulls of ships and other floating structures (Cranfield and others 1998, Thresher and others 1999, Eldredge and Carlton 2002). This vector is currently unregulated in most countries and continues to provide a means for unwanted species to be carried into new geographic areas (Gollasch 2002). Ocean-going yachts have been implicated in the introduction and spread of a number of well-known marine NIS worldwide, including the black striped mussel, *Mytilopsis sallei*, the Caribbean tubeworm, *Hydroides sanctaecrucis*, and the marine algae *Undaria pinnatifida* and *Codium fragile* spp. *tomentosoides* (Carlton and Scanlon 1985, Rao and others 1989, Hay 1990, Bird and others 1993, Fletcher and Farrell 1998, Field 1999, Neil 2002). The relative importance of yachts compared to commercial ships as transport vectors for marine NIS has so far not been assessed.

However, a range of recent studies show that the relative extent of hull-fouling assemblages on yachts is usually greater than on commercial vessels (Coutts 1999, James and Hayden 2000, Floerl 2002).

The susceptibility of yachts to fouling is determined by how well they are maintained and how often they are used. Most yacht hulls are coated in toxic “anti-fouling” paint to prevent fouling by marine organisms. The performance of these paints is contingent on frequent use of the yachts, and most paints will only prevent fouling for 9–18 months. Generally, the abundance and diversity of hull fouling assemblages tend to be highest on yachts with old and ineffectual antifouling paint and/or yachts that have not been used (sailed) for extended periods (Hunter and Anderson 2001, Floerl 2002, Floerl and Inglis 2003). Because there is substantial variation in the frequency with which private owners maintain and use their vessels, there is likely to be similar variation in the frequency with which such yachts transport unwanted fouling species. Our aim was to develop a simple predictive tool, using descriptors of the recent travel and maintenance history of the yacht, which would allow authorities to identify high-risk yachts prior to or upon their arrival in a port. Predictive statistical modeling typically requires large samples to act as training and evaluation data sets (Breiman and others 1984, Hosmer and Lemeshow 1989, Guisan and Zimmermann 2000). Using 189 international yachts, we developed and calibrated a simple ordinal rank scale of fouling. This rank scale was used by quarantine inspectors to estimate the abundance of fouling assemblages on a further 594 yachts that arrived in New Zealand from overseas between 2002 and 2004. Characteristics of the maintenance and travel histories of the yachts were then modeled to identify useful predictors of fouling rank.

Materials and Methods

Developing a Fouling Index

Between 500 and 800 yachts enter New Zealand waters each year from overseas. Most arrive between November and January, and more than 95% enter the country through four designated arrival ports—Opuha, Whangarei, Auckland, and Tauranga (Inglis 2001, New Zealand Customs Service, personal communication 2002)—where they are met by an officer of the New Zealand Ministry of Agriculture and Forestry (MAF) Quarantine Service. The yachts are generally 5–65 m in length, with a total submerged hull area of 25–1300 m² (mean length: 12 m; mean submerged area: 84 m²)

Table 1. Ranks of the ordinal fouling scale that was used to quantify hull fouling on private yachts arriving in New Zealand

Rank	Description	Visual estimate of fouling cover
0	No visible fouling. Hull entirely clean, no biofilm ^a on visible submerged parts of the hull.	Nil
1	Slime fouling only. Submerged hull areas partially or entirely covered in biofilm, but absence of any macrofouling.	Nil
2	Light fouling. Hull covered in biofilm and 1–2 very small patches of macrofouling (only one taxon).	1–5 % of visible submerged surfaces
3	Considerable fouling. Presence of biofilm, and macrofouling still patchy but clearly visible and comprised of either one single or several different taxa.	6–15 % of visible submerged surfaces
4	Extensive fouling. Presence of biofilm and abundant fouling assemblages consisting of more than one taxon.	16–40 % of visible submerged surfaces
5	Very heavy fouling. Diverse assemblages covering most of visible hull surfaces.	41–100 % of visible submerged surfaces

^aBiofilm: Thin layer of bacteria, microalgae, detritus and other particulates that is required for settlement of the larvae of many species of marine invertebrates. Refer to (Todd and Keough 1994, Keough and Raimondi 1995).

(Floerl and others 2003, New Zealand Customs Service, personal communication) We developed an ordinal rank scale of fouling intensity to allow MAF staff to estimate, from the surface, the level of fouling on the hulls of arriving yachts during their routine inspections. The scale was based on relative abundance (approximate percentage cover on hull surfaces visible from the surface) and number of different identifiable taxa of marine invertebrates and plants of fouling assemblages and ranged from 0 (no fouling) to 5 (very heavy fouling). It was designed to enable quarantine personnel to distinguish, from the surface, between yachts that carry no, sparse, or extensive fouling assemblages on their hulls. MAF officers were supplied with catalogues containing instructions on use of the scale and example pictures of hulls typical of each fouling rank. The officers allocated a rank to each yacht from the surface after a brief visual inspection of the submerged areas around the bow, waterline, and stern/rudder (Table 1). To ensure consistency in the allocation of fouling ranks, one of us (O.F.) visited approximately 50 yachts with all concerned MAF officers, and each observer independently allocated ranks to the yachts. Where the rankings were inconsistent between observers, the yacht was revisited and ranked again after discussion. This process was repeated until rank allocation was consistent among the various officers.

Calibration of the Ranks

Because the officers ranked fouling on the yachts from above the water surface, the ranks may not be a true indication of the degree of fouling on deeper,

submerged surfaces of the hull. To test the utility of the ranks as an indicator of overall fouling intensity, we calibrated them against actual measures of the abundance and variety of fouling assemblages on the hulls of 189 vessels that had arrived in New Zealand between October and November 2002 (95 vessels), and in November 2003 (94 vessels). All vessels were sampled within two weeks of arrival in the Opuia Marina, Whangarei Town Basin Marina, Westhaven Marina (Auckland), Bayswater Marina (Auckland), and Gulf Harbour Marina (Auckland) (Figure 1).

Fouling assemblages on the hulls were sampled using a remote-operated video camera (Deep Blue Pro, SplashCam Systems), with twin underwater lights, attached to a sampling frame. The sampling frame was mounted on soft wheels that allowed it to roll along or across a yacht hull while being steered from the surface using a telescopic arm with a single pivot link (see Floerl and others 2003 for details). Moving images from the camera were captured as digital video onto a recorder (Sony DCR-TRV900E) at the water surface.

Samples were taken along five haphazardly placed vertical transects (waterline to keel bottom) on the dockward side of each yacht. One still image (21 × 25 cm) was captured randomly from each of the video transects, and the average fouling cover across the hull was calculated from the five replicates. The percentage cover of broad taxonomic groups of fouling organisms (e.g., barnacles, colonial ascidians, etc.) was determined by projecting each image taken onto a screen and superimposing 64 randomly distributed dots on top of it. We chose this broad taxonomic resolution because our aim was to identify risk factors

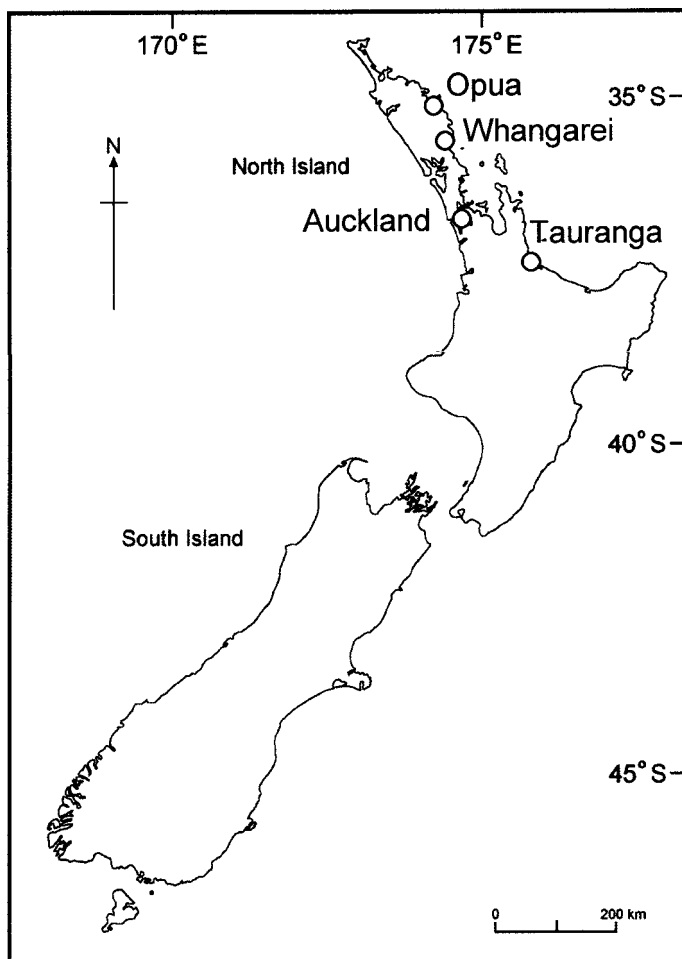


Figure 1. Sampling of international yachts was carried out in marinas of first-call in Opua, Whangarei, Auckland, and Tauranga.

that determine the presence of fouling organisms on the hulls of international yachts arriving in New Zealand. We anticipated a high variability in the species assemblages on arriving yacht hulls, with some species occurring on only one or a few yachts. The confidence intervals for the probability of presence of these species on a given yacht within each fouling rank would most likely have ranged from close to 0 to close to 1. Because the factors that determine the susceptibility of yacht hulls to colonization by sessile organisms are likely to be similar for species within broad taxonomic groups, more reliable probability estimates can be made by operating at higher taxonomic levels. The use of a relatively broad taxonomic level also allowed us to increase sampling effort and collect data on a large number of replicate yachts, which is a prerequisite for the development of a robust predictive model (Guisan and Zimmermann 2000). Pilot studies on 46 yachts showed that sampling using the surface-driven remote camera gave similar estimates of fouling percentage cover to those

obtained by scuba divers using hand-held underwater video (percentage cover—analysis of variance (ANOVA): $F_{5,82} = 0.265$, $P = 0.931$; number of taxa—ANOVA: $F_{5,82} = 1.008$, $P = 0.419$; O.F. unpublished data). The remote camera was preferred because a larger number of yachts could be sampled at less cost. Scuba divers collected specimens of fouling organisms from a random subset of 25 yachts with visible fouling. These specimens were kept for taxonomic identification and assessment of their native origin.

We used binary logistic regression (LOGIT, Systat 10) to determine the relationship between the ranks and the probability of presence of different fouling taxa. For broad taxonomic groups (e.g., barnacles, erect bryozoans, tubicolous polychaetes), we first regressed the categorical ranks against the presence-absence of each group. Where the model was significant ($P < 0.05$), we also estimated the odds ratios and constructed a quantile table to estimate the probability of the organism being present on yachts of particular ranks. The odds ratio provides an

Table 2. Matrix of percentage cover of fouling organisms on 189 yacht hulls predicted by fouling rank vs. actual percentage cover observed from digital still images^a

Yachts sampled	Observed fouling cover (% of hull surface)				
	0	1–5%	6–15%	16–40%	41–100%
Rank 0 (n = 20)	95.0	5.0	0	0	0
Rank 1 (n = 83)	90.4	9.6	0	0	0
Rank 2 (n = 34)	5.9	73.5	20.6	0	0
Rank 3 (n = 25)	0	28	48	24	0
Rank 4 (n = 19)	0	5.3	36.8	36.8	21.1
Rank 5 (n = 8)	0	0	0	37.5	62.5

^aThe numbers in the matrix represent the percentage of yachts within the different fouling ranks that were found to cover 0, 1–5%, 6–15%, 16–40% and 41–100% of submerged yacht hull surfaces. For example, 48% of yachts scored with fouling rank 3 had an actual fouling percentage cover of 6–15%.

Table 3. Predictor variables used to construct classification tree models for hull fouling on international yachts arriving in New Zealand

Predictor variables	Levels
1. General information and vessel maintenance	
Origin of yacht	International vessel; New Zealand yacht returning from overseas
Hull material	Fiberglass, steel, wood, concrete, aluminum
Age of current antifouling paint	No. months
Paint application	Private; by professional painter
Manual hull cleaning (scraping/brushing)	Yes/no
Time since last manual hull cleaning	No. months
2. Travel history (past 12 months):	
Last port-of-call	(location)
Time spent moored in last port-of-call	No. days
Longest period of stationary mooring	No. months
Activity	No. days spent sailing

average measure of the relative increase in the likelihood of the taxon being present with each increase of one unit in the fouling rank. The quantile table provides estimates of the probability (and 95 % confidence intervals) of the group being present for each level of the rank index (Hosmer and Lemeshow 1989).

Modeling Risk Characters of International Yachts

Between 2002 and 2004, a total of 783 yachts were sampled upon their arrival to New Zealand, which included the initial 189 yachts used to calibrate the fouling ranks. Sampling consisted of two components: (1) allocating a fouling rank to each yacht after visual assessment (see above), and (2) collection of data on the recent travel and maintenance history of each vessel, using a short questionnaire. The questionnaire asked owners of the vessel about (1) their recent use and application of antifouling paints, (2) whether they had cleaned the yacht manually (scrubbing/scraping) between consecutive antifouling paint

treatments, and (3) the vessels' recent ports-of-calls and sailing activity (Table 3). All of the vessels sampled arrived in four first ports-of-call: Opuā, Whangārei, Auckland, and Tauranga (Figure 1). CART was used to model the level of fouling (rank scale) on yachts from a set of predictor variables derived from the questionnaire. The predictor variables were selected on the basis of previous discussions with the yachting industry about likely direct and indirect influences on fouling (Table 3). The Gini-index is suitable for categorical data (Breiman and others 1984) and was used as the splits measure. Twenty iterations were run for each CART analysis. Misclassification rates were calculated using cross-validation by fitting the model to 90% of the data and predicting the remaining 10% with the model. This procedure was repeated 10 times, each time with a different 10% subset of the data. The classification tree size with the smallest cross-validation error was chosen as the "best" tree (Breiman and others 1984, De'ath and Fabricius 2000). Classification trees were constructed

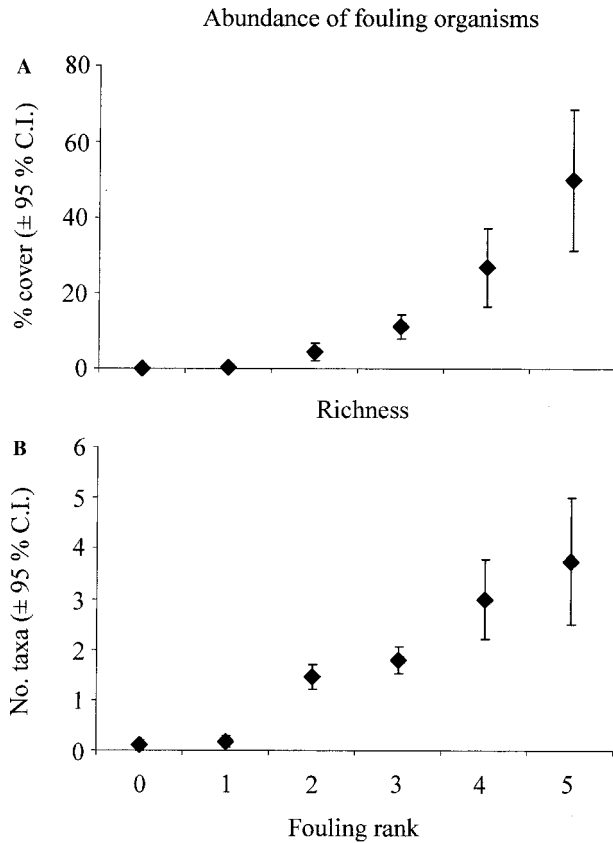


Figure 2. Mean abundance (percentage cover on submerged hull areas) (a) and taxonomic richness (number of broad taxonomic groups) (b) on hulls of the various fouling ranks (N = 189). Error bars depict the 95% confidence interval.

using the S-Plus routine “TreePlus” (De’ath and Fabricius 2000).

Results

Calibration of Fouling Ranks

Of the 189 yachts sampled *in situ*, 55% had been allocated fouling ranks 0 and 1 (i.e., clean of macrofouling) and 45% were given ranks 2, 3, 4, and 5 (presence of fouling assemblages). There was a strong correlation between the fouling ranks allocated by surface observation and the abundance and variety of hull-fouling assemblages determined *in situ*. Most yachts of ranks 0 and 1 (100% and 98.5%, respectively) were devoid of macrofouling, with an average percentage cover of fouling organisms of $0.1 \pm 0.1\%$ (mean \pm 95% confidence intervals) (Table 2). As expected, fouling cover increased with fouling rank (rank 2: $4.35 \pm 2.39\%$; rank 3: $11.11 \pm 3.25\%$; rank 4: $26.76 \pm 10.33\%$; rank 5: $49.88 \pm 18.5\%$; (Pearson’s

$r = 0.733$, $P < 0.001$); Figure 2a). For some yachts, the percentage cover of fouling organisms derived from video analyses did not correspond to the fouling rank allocated by the surface observers (Table 2). Overall, 5% and 9.6% of vessels that had been allocated ranks 0 and 1, respectively, were found to carry small amounts of fouling (Table 2). Yachts scored with fouling rank 2 were found to be devoid of fouling in 6% of cases, when thick strands or layers of scuzz and slime were mistaken for macrofouling. Yachts scored with ranks 3, 4, and 5 had in 5% to 37% of cases a fouling percentage cover that corresponded not to the rank allocated (e.g., rank 4) but to an adjacent one (i.e., rank 3 or 5). However, importantly, none of the yachts scored with higher fouling ranks (3–5) were devoid of fouling (Table 2). Also the number of fouling taxa (e.g., erect bryozoans or barnacles) on the hulls increased with fouling rank, with 3.75 ± 1.2 (mean \pm 95% confidence intervals) on hulls with a fouling rank of 5 ($r = 0.794$, $P < 0.001$; Figure 2b). Reference specimens collected from 25 yachts included a range of introduced species established or common in New Zealand, including the bryozoans *Bugula neritina* and *Watersipora subtorquata* and the tubeworm *Hydroides elegans* (Cranfield and others 1998). A bryozoan collected from one yacht hull represented a new record for New Zealand waters and was identified as *Scrupocellaria* cf. *diadema* (D. Gordon, unpublished data).

The relative abundance of most taxa (bivalves, colonial and solitary ascidians, encrusting and erect bryozoans, hydroids, tubicolous polychaetes, and sponges) on the hulls was on average highest for yachts of ranks 4 and 5 (Figure 3). The ranking scale was a highly significant predictor of the presence of all taxonomic groups except algae and encrusting bryozoans other than *Watersipora* sp. (binary logistic regression, $P < 0.05$; Table 4). The “odds ratio” calculated by logistic regression represents the multiplicative factor by which the probability of the presence of a taxon changes with a fouling rank increase of 1 (Steinberg and Colla 2000). The mean odds ratios for the taxa analyzed here ranged from 1.90 (barnacles) to 8.5 (sponges). For all groups with the exception of algae and encrusting bryozoans other than *Watersipora* sp., the lower 95% confidence interval of the odds ratio was >1 , indicating that the fouling ranks represent a genuine risk scale for the presence of these taxa on international yacht hulls (Table 4). Fouling taxa varied widely in their probability of occurrence on yacht hulls of the same rank. Yachts with a fouling rank of 0 or 1 had a very low probability (0.001–0.05; 95% confidence interval) of carrying bivalves, colonial and solitary ascidians, hydroids, or sponges on their hulls, and a

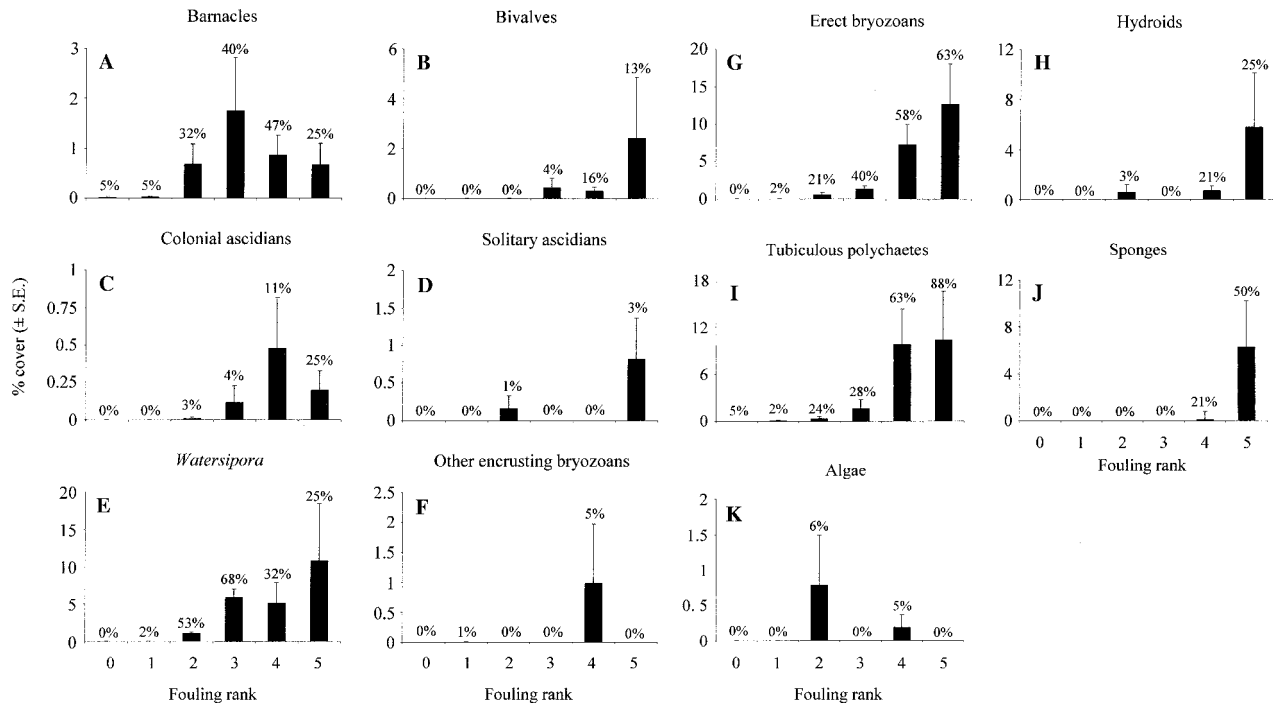


Figure 3. Relationships between the fouling ranks and mean abundances of different taxonomic groups. Annotations at the top of each bar depict the frequency of occurrence of the taxa on yachts (percentage of all yachts in that rank category).

Table 4. Results of logistic regression analysis^a

	Barnacles	Bivalves	Colonial ascidians	Solitary ascidians	<i>Watersipora</i>	Other encrusting bryozoans
Rank 0	0.025 – 0.100	0.001 – 0.025	0.001 – 0.025	0.001 – 0.025	0.025 – 0.100	0.005
Rank 1	0.050 – 0.100	0.001 – 0.050	0.001 – 0.025	0.001 – 0.025	0.100	N/a
Rank 2	0.100 – 0.250	0.005 – 0.050	0.005 – 0.050	0.001 – 0.050	0.250 – 0.333	0.010
Rank 3	0.250 – 0.333	0.025 – 0.100	0.010 – 0.100	0.005 – 0.100	0.025 – 0.500	N/a
Rank 4	0.333 – 0.500	0.050 – 0.250	0.050 – 0.333	0.025 – 0.250	0.500 – 0.750	N/a
Rank 5	0.500 – 0.750	0.100 – 0.500	0.250 – 0.667	0.100 – 0.750	0.500 – 0.750	0.025
Odds ratio	1.90 (1.44, 2.51)	2.38 (1.28, 4.43)	2.98 (1.47, 6.1)	4.29 (1.44, 12.8)	1.99 (1.51, 2.61)	1.41 (0.56, 3.63)
Significance	$P < 0.001$	$P = 0.006$	$P = 0.002$	$P = 0.009$	$P < 0.001$	$P = 0.468$
	Erect bryozoans	Hydroids	Tubicolous polychaetes	Sponges	Algae	
Rank 0	0.005 – 0.010	0.001 – 0.010	0.005 – 0.050	0.001 – 0.005	N/a	
Rank 1	0.025 – 0.100	0.001 – 0.025	0.025 – 0.100	0.001 – 0.010	0.010	
Rank 2	0.050 – 0.250	0.001 – 0.050	0.050 – 0.250	0.001 – 0.050	N/a	
Rank 3	0.250 – 0.500	0.010 – 0.100	0.250 – 0.500	0.001 – 0.100	0.025	
Rank 4	0.333 – 0.750	0.050 – 0.333	0.500 – 0.750	0.025 – 0.500	N/a	
Rank 5	0.667 – 0.950	0.100 – 0.750	0.667 – 0.950	0.250 – 0.950	0.050	
Odds ratio	2.99 (2.10, 4.26)	3.52 (1.69, 7.34)	3.12 (2.21, 4.53)	8.5 (2.54, 28.8)	1.53 (0.71, 3.3)	
Significance	$P < 0.001$	$P = 0.001$	$P < 0.001$	$P = 0.001$	$P = 0.275$	

^aShown are the 95 % confidence interval ranges associated with the probabilities of the various taxa to be present on hulls of the various fouling ranks. The “odds ratio” (shown with 95% confidence interval ranges in parentheses) represents the multiplicative factor by which the probability of the presence of a taxon changes with a fouling rank increase of one. P values denote the significance of the logit-model. For example, Barnacles had a probability between 0.25 and 0.333 to be present on a hull with a fouling rank of 3.

low probability (0.005–0.1) of carrying barnacles, *Watersipora*, erect bryozoans, and tubicolous polychaetes (Table 4). The latter four taxa were quite likely to

occur on yachts of ranks 2 and 3 (probabilities of 0.05 to 0.50), whereas bivalves, colonial and solitary ascidians, hydroids, or sponges had consistently low

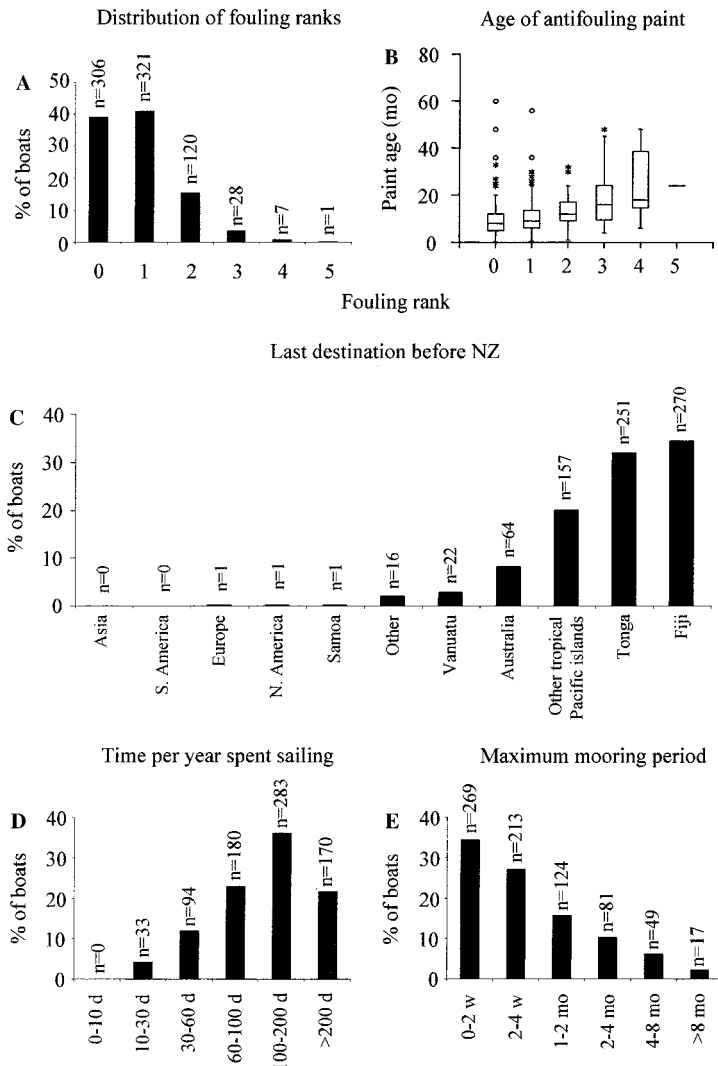


Figure 4. Summary plots showing the (a) frequency distribution of yachts in each rank class, (b) maintenance, and (c), (d), and (e) travel history of the 783 yachts sampled upon their arrival in New Zealand. The box plots in (b) depict the median paint age (horizontal lines), 25% quartiles (boxes), midrange (whiskers), and outliers (stars) and extreme values (circles) of observed paint ages.

probabilities (0.025–0.05) of occurring on hulls up to fouling rank 4 (Table 4). All taxa were very likely to occur on yachts of ranks 4 and 5, with cumulative probabilities ranging up to 0.95 (Table 4).

Risk Characterization and Predictive Modeling

Fouling ranks and questionnaire responses were obtained for a total of 783 yachts. Of these, 626 were international yachts and 157 were New Zealand yachts returning from overseas voyages. The majority of the yachts (85%; $n = 666$) had a fouling rank of 0 or 1 and carried no macrofouling on their hulls. However, 10% ($n = 78$), 4% ($n = 31$), 0.9% ($n = 7$), and 0.1% ($n = 1$) of the yachts had fouling ranks of 2, 3, 4, or 5, respectively, and had visible fouling on their hulls (Figure 4a). The yachts arrived from a total of 31 different destinations, most notably Fiji (34.5% of all

arrivals), Tonga (32%), a range of tropical Pacific island nations (20%), Australia (8.2%), and Vanuatu (2.8%) (Figure 4c). The time the yachts had spent in these locations prior to leaving for New Zealand ranged from 1 day to 6 years (median: 21 days).

Almost all of the yachts (99.6%) had their hulls painted with toxic antifouling paint, which had been applied by the yacht's owner (57%) or a professional company (43%). The paint age at the time of sampling ranged from 1 week to 5 years, and was on average greater for yachts that carried visible fouling on their hulls (rank 2: 13.2 months mean paint age; rank 3: 17.3 months; rank 4: 25.4 months) than on those that did not (rank 0: 9.2 months; rank 1: 11.1 months). More than half of the yachts (54%) had their hull cleaned of fouling organisms by scraping or scrubbing since their last application of antifouling paint. This method is



Variation explained: 22.1 % CV error: 0.90 (s.e. 0.032)

Misclassification rates: Null = 0.55 Model = 0.43

Figure 5. Classification tree for predicting fouling rank of the yachts. The proportional reduction in error (PRE) is calculated as $(1 - \text{relative error})$, and explains the proportion of the total variation explained by the model. The cross validation (CV) error and its standard error (s.e.) give an indication of the predictive power of the final model. The model also provides a comparison of rank misclassification rates if ranks were allocated at random (Null) and by the fitted model (Model). Splitting variables: Paint age = antifouling paint age; Material = outer hull material; Time spent sailing = no. of days spent sailing last year; Residency LPC = period of residency in the last port-of-call; Manual cleaning = manual removal of fouling assemblages from hull since last antifouling paint treatment.

often used to extend the service life of antifouling paints. On average, yachts that had been manually cleaned had an older antifouling paint age (12.8 ± 0.36 , mean \pm SE) than those that had not (8.6 ± 0.37) (ANOVA: Manual cleaning effect, $F_{1,4} = 5.3$; $p = 0.022$).

The majority of the yachts (58%) sampled had been in active use for more than 200 days in the past year. In contrast, only 4% had been actively sailing on 30 days or fewer (Figure 4d). Correspondingly, for most yachts (62%), the maximum time they had spent moored in

ports or marinas since their last antifouling paint treatment was 4 weeks or less (Figure 4e). However, 10.3% of the yachts had been stationary for 2–4 months at a time, and 8.5% had not been in use for extensive periods ranging from 4 months to 5.5 years before sailing to New Zealand (Figure 4e).

The best classification tree model for the fouling ranks comprised nine splitting nodes with a cross-validation error of 0.90. The final model explained only 22.1% of the variation in fouling ranks among the 787 yachts and had a misclassification rate of 0.43, com-

pared to 0.55 for the Null model based on randomized data (Figure 5). Application of antifouling paint (private or professional), maximum period of inactive mooring, and identity of the yachts' last port-of-call had no explanatory power and were excluded from the model. The age of the antifouling paint on yacht hulls explained the largest relative proportion of variation in fouling; four splits of the data were made on the basis of this variable, starting at an age of 4.5 months (Figure 5). The material the hull was constructed from, time spent sailing, manual cleaning, and period of residency in last port-of-call were also variables included in the model, but were of less relative importance in explaining variation in hull fouling. There was no clear pattern in the relative distribution of fouling ranks within the final nine groups of yachts created by CART (Figure 5). Yachts carrying fouling organisms (ranks 2, 3, 4, and, in a single case, 5) were present in all but one group (those with antifouling paint ages of <4.5 months). However, none of the groups contained exclusively yachts that carried fouling organisms: in all nine groups, the majority of yachts (70–100%) had fouling ranks of 0 or 1 (Figure 5).

Discussion

Human-mediated biotic invasions are a process that consists of several successive stages: (1) engagement of propagules with a transport vector in a source location, (2) transport from source to recipient location, (3) establishment of a self-sustaining population, and (4) spread through the new habitat (Mack and others 2000, Sakai and others 2001). Preventing the transport and release of NIS into native ecosystems are the only sure ways of avoiding the ecological and economic damage caused by invasive species (Leung and others 2002, Marchetti and others 2004). Our aim was to identify useful predictors of the abundance and composition of fouling organisms on international yachts that could be used to identify high-risk transport vectors before (if the relevant information is obtained while a yacht is on its way to New Zealand) or upon their arrival in New Zealand (if the information is obtained in the yacht's first port-of-call) and before they are able to reside in coastal waters for extended periods. The ordinal fouling rank we developed provided reliable indications of the actual abundance and variety of fouling assemblages on arriving yachts. Yachts with low ranks (0 and 1) were very unlikely to carry macrofouling on their hulls, whereas yachts of ranks 2–5 nearly always did. There was considerable variation in the probabilities of different taxa being present on hulls of the various ranks. However, for all taxa there

was a positive relationship between fouling rank and probability of presence. One shortcoming of our sampling methodology during the rank calibration was that our remote-operated camera did not sample rudder and propeller surfaces, which are frequently occupied by fouling organisms. However, our personal observations suggest that fouling on propellers and rudders usually occurs in conjunction with fouling on hull and keel areas. This is supported by James and Hayden (2000), who sampled 26 yacht hulls in New Zealand marinas using a stratified approach. All of these yachts were found to carry fouling organisms on rudder and propeller, and in all instances fouling organisms were also encountered on hull and keel areas (James and Hayden 2000).

It has been argued that, from a precautionary perspective, all introductions should be treated as potentially harmful (Ruesink and others 1995) and to identify and target high-risk vectors that are likely to contain a large number of individuals or species (Wonham and others 2001). Although yachts of ranks 4 and 5 consistently harbored the largest number of fouling taxa, they only comprised a total of 7% of the yachts that arrived in New Zealand with fouling on their hulls in 2002–2004. Hulls of yachts with ranks 2 and 3 contained substantially (approximately 50%) fewer taxa, but comprised 93% of all "fouled" yachts. If the aim is to intercept a large proportion of the species that arrive in New Zealand on international yacht hulls, therefore, it may be inadvisable not to focus exclusively on yachts of the highest fouling ranks.

The observed abundance of fouling organisms on yacht hulls could not be reliably related to the yachts' travel or maintenance history or their owners' maintenance behavior. The models derived from CART analyses explained comparatively little variation in the distribution of fouling ranks (22.1%), had high misclassification rates (~43%) and, consequently, low predictive power. This was somewhat surprising, because we constructed the models using predictor variables associated with yacht maintenance and travel history that have repeatedly been demonstrated to influence hull fouling on commercial and private vessels (Coutts 1999, Floerl 2002). Antifouling paint age was the single most important risk factor for hull fouling on ocean-going yachts. Modern antifouling paints for yachts have a service life of 9–18 months given proper application and regular use of the vessels (Marine Science and Ecology 2002, J. Millett, personal communication 2001). In our sample, yachts lacking macrofouling (ranks 0 and 1) on average had a lower antifouling paint age (mean \pm SE: 10.2 \pm 0.28 months) than yachts with macrofouling (ranks 2–5; 15.1 \pm 0.8

months). Also, the time a yacht had spent sailing was identified as a risk factor, and is indeed an important influencing factor on the performance and service life of modern antifouling paints (Christie and Dalley 1987, J. Millett, personal communication 2002). The recent travel history of the yachts was not identified as an important risk factor. We suspect this was because a potential influence of particular source locations on fouling abundance was masked by the overriding influence of antifouling paint age (yachts with low fouling ranks) or the lack of finer taxonomic resolution in the fouling data (yachts with high fouling ranks). The low predictive power of our model most likely reflects the complex suite of factors that determine the composition and abundance of fouling organisms in local ports, including variability in the composition of source populations of organisms (Floerl and Inglis in press) and the timing and intensity of recruitment at different phases of yacht maintenance (Floerl and Inglis 2003, Floerl and others in press). The various stages of biotic invasions—transport, introduction, establishment, spread and impact (Sakai and others 2001)—are each inherently idiosyncratic and of a highly multivariate nature (Marchetti and others 2004). Other, recent attempts to develop predictive models for the success of invaders have encountered similarly complex ecological determinants of invasion patterns. For example, Marchetti and others (2004) found that the model that best predicted establishment success of invasive fishes in California watersheds was the fully fitted model that used all eight available predictor variables. In our case, an additional complicating factor was the rarity of particularly high-risk cases (ranks 4 and 5) for model calibration. The development of robust predictive models relies upon relatively even numbers of cases across all sampling strata (Guisan and Zimmermann 2000). Although, during the timeframe of our study, we sampled *all* yachts arriving in New Zealand, only a small proportion of these (15%) had fouling ranks ≥ 2 . Because CART uses 90% of the data as training sets to test the model, one or two cases from these rare ranks could produce comparatively high misclassification rates and poor performance of the model (Breiman and others 1984, Hosmer and Lemeshow 1989, De'ath and Fabricius 2000, S. Delean personal communication 2003).

Implications for Border Management and Prevention of NIS Introductions

Predictive modeling has had several applications in invasion science, including attempts to predict (a pos-

teriori) successful invaders or their impacts, future invaders, and locations or habitats that are likely to be invaded (Rejmánek and Richardson 1996, Reichard and Hamilton 1997, Hengeveld 1999, Ricciardi and MacIsaac 2000, Kolar and Lodge 2002, Inglis unpublished data). In contrast to most of these studies, which focused on individual species with relatively fixed ecological and physiological traits and requirements, our model targets a whole transportation vector and incorporates the wide variation in maintenance and travel behavior of private yachts and their owners. Collection of data over a larger time frame, or simultaneous collection of standardized data in several locations worldwide would lead to a more comprehensive dataset that includes a large sample of yachts of all fouling ranks. If models with higher predictive power can be constructed from such data, they are likely to be robust and applicable for a wide range of geographic locations (Breiman and others 1984, De'ath and Fabricius 2000). The advantage of managing international yachts on the basis of risk-based predictive models is that these could be implemented at a pre-border stage, and allow yacht owners to assess and act on the condition and risk of their yacht prior to leaving their last port-of-call.

To our knowledge, few countries have implemented procedures to limit the accidental introduction of hull fouling organisms by ocean-going vessels. In Darwin, northern Australia, one of the only such cases known to us, management authorities have potentially prevented approximately 30 introductions of NIS as a result of the inspection of more than 700 international yachts since 1999 (A. Marshall, personal communication 2003). Our study shows that the use of the fouling rank scale proved to be an effective border-based observational technique to identify clean and fouled yachts after their arrival. The majority of yachts (90%) in this study arrived from tropical locations such as Fiji, Tonga, or French Polynesia. Many of the fouling organisms they carry are unlikely to survive in the colder waters of New Zealand. However, the NIS *Scrupocellaria* cf. *diadema* (not recorded in New Zealand before), *Bugula neritina*, *Watersipora subtorquata* and *Hydroides elegans* were collected from yachts whose last ports-of-call were in Noumea, Tonga, and Fiji, and all of the specimens were alive at the time of collection. Around 7% of the yachts we surveyed arrived from temperate Australian ports, most notably Hobart, Sydney, and Melbourne, which have a climate similar to that of northern New Zealand. In all of these ports, there are established populations of well-known NIS, including the crab *Carcinus maenas*, the seastar *Asterias amurensis*, the fanworm *Sabella spallanzanii*, the algae

Caulerpa taxifolia and *Undaria pinnatifida*, and other species (Hewitt and others 1999, Murphy and Schaffelke 2003). Considerable resources have been spent on eradication efforts and development of management tools for each of these species (Bax and others 2001, Secord 2003). A stronger commitment to the prevention of further NIS introductions and biological invasions will require appropriate attention to all vectors capable of transporting these and other high-risk species to new locations (Leung and others 2002), and the development and use of predictive tools may be a cost-effective way of achieving this (Mack and others 2000).

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27 April 2018

Taranaki Regional Council
Private Bag 713
Stratford 4352

Our ref: 18150

To whom it may concern,

RE: Submission on the Proposed Coastal Plan on behalf of First Gas Ltd

First Gas Ltd owns and operates more than 2,500 kms of high pressure gas transmission pipelines and stations that supply natural gas from Taranaki to industrial consumers throughout the North Island. Their gas distribution network supplies more than 60,000 commercial and residential customers. As a key Network Utility Provider, their operation has to be efficient and easy to maintain and manage, as the pipelines are nationally and regionally important infrastructure.

First Gas Ltd is making this submission to oppose some of the rules in the Proposed Coastal Plan that may affect the efficient operation of their gas transmission network. The specific provisions of the plan being opposed as part of the submission are listed on Table 1 (see attached), along with suggested amendments that recognise the significance of the infrastructure and the scale of effects associated with specific activities.

In relation to the rules as proposed, it is noted that First Gas sought differentiation from petroleum installations under the South Taranaki District Plan as it infers contamination potential, and we seek the same from the TRC Coastal Plan. The natural gas transmission network serves a differing purpose to that of the petroleum and provides for the social, economic and well being of communities both within Taranaki and the North Island. First Gas would prefer a separate rule to petroleum, as their infrastructure is existing within these environments, and this fact cannot be changed. In order to provide for downstream communities the plan also needs to cater to network operational and maintenance activities in a timely manner.



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First Gas Ltd could not gain an advantage in trade competition through this submission.

First Gas Ltd would like to be heard and would consider presenting a joint case at a hearing with others who have made similar submissions. We would also be pleased to discuss this submission with the Taranaki Regional Council at any time, particularly if there are any areas we have not interpreted correctly.

Yours sincerely,



Zen Gerente

Resource Management Planner

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Table 1. Details of submission of First Gas Ltd on specific provisions of Proposed Coastal Plan

Specific Provisions of the Proposed Plan Being Opposed	Submission – change sought	Reasons
<p>Rule 34: Network utility structure erection or placement within Outstanding Value as a Non-Complying Activity</p>	<p>Network Utility Pipeline Erection or Placement be classified as a Controlled Activity in the Outstanding Value area for underground pipelines or pipelines attached to existing bridge or access structures.</p>	<p>Additional erection or placement of new network utility pipelines may be necessary in the future for public safety, efficient operation or increasing capacity and it is likely that any additional pipeline infrastructure would be placed in existing network corridors. Some of these corridors cross areas the TRC has identified as 'Outstanding Value' – at the Patea River Mouth, Tongaporutu Estuary and potentially at Waitotara River Mouth¹. The erection or placement of new pipelines has potential to have temporary adverse effects but if properly designed, located and installed, these can be avoided, remedied or mitigated. In the long term, where the pipelines are buried/under-bored or attached to existing lawfully established bridges or access structures, there are negligible effects on landscape and scenic values and permanent effects on ecological values are unlikely.</p> <p>As a controlled activity, such activities would still be assessed against relevant policies and objectives, and would have to adhere to performance criteria. Non-complying activities suggest that consent will only be granted in exceptional circumstances, and accordingly First Gas consider this onerous given</p>

Specific Provisions of the Proposed Plan Being Opposed	Submission – change sought	Reasons
		<p>the temporary and minor effects of their activities, the fact that their structures already exist in the corridors identified, and their overall national importance.</p> <p>Allowing for underground pipelines or pipelines attached to existing bridge or access structures as a controlled activity would be consistent with Policies 31 and 32 which allow placement of structures that provide for efficient operation of nationally and regionally important infrastructure subject to the appropriate management of adverse effects. Standards terms and conditions we would suggest be similar to Rule 22.</p> <p><i>¹ Confirmation that the First Gas Pipeline at the Waitotara River is outside the area of outstanding value as identified on planning maps 38-39 is also sought. It appears that the First Gas corridor is the boundary of this area however it is unclear whether it is intended that the existing pipeline corridor be within or outside the area of outstanding value. If the intention is that it be within this area, First Gas submit that it should be excluded.</i></p>

Specific Provisions of the Proposed Plan Being Opposed	Submission – change sought	Reasons
<p>Rule 37: Network utility structure repair, alteration and extension as a Controlled Activity within Estuaries Unmodified, Estuaries Modified, Open Coast and Port areas (becomes non-complying in the Outstanding Value area).</p>	<p>Network utility pipeline repair, alteration or extension within Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast and Port be classified as a Permitted Activity</p>	<p>Repair, alteration or extension is necessary for public safety and efficient operation and more than often need to be immediately done. It is considered that this can be appropriately managed by way of permitted activity standards, terms and conditions that reflect the values of the area of the works, rather than having to seek consent in every case.</p>
<p>Rule 38: Structure removal and replacement - gas pipelines fall under petroleum production installations and pipelines and these are excluded in this rule, making them discretionary in the Estuaries Modified, Open Coast and Port areas and non-complying within the Estuaries Unmodified, and Outstanding value areas.</p>	<p>Network utility pipeline removal and replacement within Outstanding Value and Estuaries Unmodified, Estuaries Modified and Port be classified as Permitted and be included under Rule 38, or under a separate rule. <i>*As per the cover letter to this submission - It is noted that First Gas sought differentiation from petroleum installations under the South Taranaki District Plan as it infers contamination potential. The natural gas transmission network serves a differing purpose to that of the petroleum and provides for the social, economic and well being of communities both within Taranaki and the North Island. First Gas would prefer a separate rule to petroleum, as their infrastructure is existing within these environments, and this fact cannot be changed. In order to provide for downstream communities the plan also needs to cater to network operational and maintenance activities in a timely manner.</i></p>	<p>Structure removal and maintenance is sometimes necessary for public safety and efficient operation of Transmission networks.</p>

Your name

David Jones

Organisation (if applicable)

Komene 13B Maori Reservation Trustees

Address

7178A South Road
RD 37 Puniho Pa
Okato

Daytime phone number

06 7528180

Email address

david.fay@xtra.co.nz

Could you gain an advantage in trade competition through this submission?

No

Do you wish to be heard in support of your application?

Yes

Your submission on the Proposed Plan

The draft plan has included Komene 13 Maori Reservation via Waikirikiri Lagoon in their protection plans and at no time have the Trustees given over the right for others to manage or place rules or regulations on the Reserve. Waikirikiri is within the Reservation and is not the whole area identified on the maps used in the plan. Waikirikir is not the name of the area. Why have the surfbreaks area also included our Reservation. No consultation.

Your comment on documents incorporated by reference in the Proposed Plan, as detailed in Schedule 9 (comment optional)

Document/file 1

Document/file 2

Document/file 3

Document/file 4

**SUBMISSION OF PORT TARANAKI LIMITED TO THE PROPOSED COASTAL PLAN FOR
TARANAKI**

Form 5 Submission on notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Taranaki Regional Council

Name of submitter: Port Taranaki Limited (PTL)

1. **This is a submission on the following proposed plan (the proposal):** Proposed Coastal Plan for Taranaki
2. **PTL could not gain an advantage in trade competition through this submission.**
3. **The specific provisions of the proposal that PTL's submission relates to are those referred to attachments 1 and 2, including provisions in the following sections:**
 4. Objectives
 5. Policies
 8. Regional Rules
 9. Financial contributions
 - Definitions
 - Schedules and Appendices
 - Maps
4. **The general and specific reasons for PTL submission and relief sought are set out in Attachments 1 and 2.**
5. **PTL seeks the following decision from the Taranaki Regional Council:**

The relief as set out in Attachments 1 and 2.

Any other similar relief that would address PTL's concerns set out in this submission.
6. **PTL wishes to be heard in support of the submission.**
7. **If others make a similar submission, PTL will consider presenting a joint case with them at a hearing.**

Signature of submitter

(or person authorised to sign on behalf of submitter)

A handwritten signature in black ink, appearing to read 'Guy Roper', with a long horizontal line extending to the right.

Guy Roper
Chief Executive Officer

Date 27 April 2018

Address for service:

Port Taranaki Limited

2-8 Bayly Road | PO Box 348 | New Plymouth 4340
Telephone +64 274 884242

Contact person: Guy Roper

E: guyr@porttaranaki.co.nz | w: www.porttaranaki.co.nz

Attachment 1: Submission of Port Taranaki to the Proposed Coastal Plan For Taranaki

A. Overview and General Reasons for Submission

The Port - Overview

1. Port Taranaki is a major user of the coastal marine area. It is the only deep water seaport on New Zealand's West coast. It occupies a strategic location in the coastal environment, connecting New Plymouth with the rest of New Zealand and international markets. The Port is a significant business and comprises strategic infrastructure that supports, facilitates and contributes to the social and economic wellbeing of the local, regional and national community. It is the third largest port in New Zealand by volume, and facilitates and creates future wealth for the region by the provision of long term infrastructure. Economic reports have shown that Port Taranaki is a key participant in industries and activities that account for 43% of regional GDP.
2. The Port is located west of New Plymouth. The suburbs of Moturoa, Blagdon and Lynmouth are located south of the Port. There is existing rail and road infrastructure servicing the Port. There are two existing breakwaters located on the eastern and western sides of the Port.
3. Port Taranaki has nine fully serviced berths which provide for a variety of cargoes and vessels. The Port is a servicing base for sea transport and related industries and provides related maritime, support and heavy lift services for offshore and onshore oil exploration in the Taranaki region.
4. The Port has land and water capacity to service ships that support the industries of the hinterland that generate the regions GDP. As the size of ships accessing the Port grow, Port Taranaki must be able to provide for larger vessels. Port Taranaki's ability to support larger vessels and the need to maintain cargo separation is threatened by the lack of land immediately adjacent to the main breakwater and in particular, to support cargo aggregation and transfer.
5. The Port contends with the predominance of the west coast weather patterns and in the interests of safety and efficiency is evaluating and deploying new technology to underpin operating standards on land and water. An example of this is recent introduction of ship dampening technology supplied by Shore Tension Systems.
6. Port Taranaki (PTL) has investigated a number of development options that are intended to enable the effective and efficient use over the longer term of the sheltered water enclosed by the breakwaters. PTL recently increased its access channel depth to 14m below chart datum in order to handle the larger bulk and dry bulk cargo vessels now routinely in use.

Giving effect to the Higher Order Planning Documents (NZCPS and RPS)

7. The Proposed Coastal Plan (PCP) must give effect to the higher order planning documents prepared under the Resource Management Act 1991 (RMA). The relevant higher order planning documents include:
 - The New Zealand Coastal Policy Statement (2010), and
 - The Regional Policy Statement for Taranaki (2010).

8. PTL acknowledges the work that has gone into updating the Coastal Plan to give effect to the NZCPS.
9. Policy 9 of the New Zealand Coastal Policy Statement (NZCPS 2010) recognises the importance of Ports to the national economic well-being and seeks to provide for ports as legitimate and strategic part of national infrastructure. In particular, the NZCPS provides for the safe and efficient operation of ports and development of their capacity for shipping and connections with other transport modes. It is not just the maintenance of existing ports and their current footprint that is provided for; it is also anticipated that ports will need to develop their capacity for shipping and keep abreast of international and national commercial challenges to operate efficiently and effectively. It is absolutely essential that Port Taranaki keeps pace with environmental, technological and commercial changes in the maritime sector.
10. The Regional Policy Statement for Taranaki (RPS) provides for Port Taranaki as regionally significant infrastructure. In addition, the Coastal Natural Character Policy for Port Taranaki (CNC Policy 3) states that:

“Appropriate recognition should be given to Port Taranaki to ensure its efficient operation and enable appropriate development and diversification to occur to meet changing needs”
11. New technology will continue to be evaluated (such as shore tension) that allows for alternative measures to the option of breakwater extension to be explored. However, future extensions to the breakwaters needs to be retained as a possibility and part of the community conversation.

Consultation Process

12. PTL has appreciated the opportunities provided by the Taranaki Regional Council (TRC) to engage in pre-consultation on the draft plan and has found the process very helpful in informing the views expressed in this submission.
13. The Port also has a regular discussion with port users through a formally constituted body (PAMI).

Summary of Key Issues

14. Policy provisions in respect to the regional surf breaks are a key issue for PTL. PTL strongly believes there is opportunity for the Port and surfers to co-exist and seeks a process that enables PTL to work with the community through these matters.
15. Another significant issue is the continued enabling of PTL to maintain and construct coastal protection works. This is seen as increasingly important as climate change and sea level rise change the nature, frequency and extent of coastal hazards that may affect the Port.
16. Overall PTL consider it important to be able to facilitate and execute developments that enable the port, business and the broader community to co-exist in a mutually beneficial manner.

17. Notwithstanding the general issues raised above, the specific submission issues are identified in Attachment 2.

18. For each of the matters identified in Attachment 2, PTL also seeks any consequential amendments to objectives, policies and rules required to give effect to the submission and to provide a clear and consistent plan.

B. The specific areas of concern to PTL outlined in Attachment 2 cover the following sections of the Plan:

Section 4 Objectives

Section 5 Policies

Section 8 Regional Rules

Section 9 Financial Contributions

Definitions and acronyms

Schedules

Maps

Attachment 2: Table of Specific Comments and Amendments Sought to Provisions of the Proposed Coastal Plan (PCP) - 27 April 2018

SECTION	PROVISION	COMMENTS ON PROPOSED PROVISIONS	RELIEF SOUGHT
Part 1 Introduction	1.7.4	Port Taranaki limited (PTL) supports this clause and the identification of the Port Coastal Management Area.	Retain section 1.7.4
Part 4 Objectives			
	Objective 2 Appropriate use and development	While PTL recognises that the objectives in Section 4 are high level, it is considered that this objective does not appropriately recognise the strategic importance of infrastructure such as Port Taranaki, and the need to be able to further develop the Port and other regionally significant infrastructure.	Add a new objective or amend Objective 2 to specifically address provision for ongoing development of strategically significant regional and national infrastructure, including Port Taranaki at the objective level, to give effect to the Regional Policy Statement.
	Objective 3 reverse sensitivity	The port generally supports this objective.	Retain objective 3
Part 5 Policies			
	Policy 1 Coastal management areas	PTL generally supports this policy, but is unsure about the significance or need to include clause (e)(v).	Delete clause (e)(v) unless it can be shown that it is significant or relevant to the implementation of the PCP.
	Policy 5 Appropriate use and development of the coastal environment	PTL supports this policy in part. In particular PTL supports the recognition given to activities that have a functional need to be located in the coastal environment. However, PTL is concerned that in respect to public access, the policy fails to recognise important security issues facing ports worldwide, and the public safety issues which might mean providing	Amend clause (g) by adding after the word recreation <u>unless the type of activity, and the need to maintain public safety, makes enhancement or restoration of public access inappropriate.</u>

		for public access is inappropriate.	
	Policy 6 Activities important to the well-being of people and communities	PTL supports this policy but considers that the wording needs to be more carefully tied to the definition of regionally important infrastructure.	Amend the policy to better reflect the intention to capture regionally important infrastructure as defined in the definitions section.
	Policy 19 Surf breaks and Significant Surfing area	PTL supports the inclusion of an exception to clause (b) which provides for avoiding adverse effects on all regionally significant surf breaks, identified in Schedule 7 where the activity is necessary for the provision of regionally important infrastructure. However, the policy includes a proviso to this exception which appears to negate the benefit of having the exception. This proviso requires that the avoidance of effects is not possible. It is considered that this sets an ambiguous and potentially unachievable standard, or at the very least could lead to unrealistic expectations or interpretation. Should PTL need to develop its breakwaters in the future, it would prefer that the policy allowed a dialogue with the community so that the port and surfers can co-exist.	Amend clause (b) to read as follows: (b) avoiding adverse effects on all regionally significant surf breaks, identified in Schedule 7, that are outside the Significant Surfing Area; unless the activity is necessary for the provision of regionally important infrastructure, avoidance of effects is not possible , and adverse effects are remedied or mitigated;
	Policy 38	Many of PTL's structures are designed for permanence and it is not a practical consideration for them to be designed at the outset for decommissioning or removal. The materials used in port structures are usually steel and concrete (e.g. piles) means the ability to build flexibility in the original design is limited.	Provide an exception to this policy for new port structures intended to be permanent.
Part 8 Regional rules			

8.1 Discharges			
	Rule 11 Abrasive blasting discharges	This activity is a full discretionary activity, however, within the Port Coastal Management area the effects of this activity are well known and understood.	Amend to controlled activity status and draft an appropriate set of matters over which control shall be restricted to.
	Rule 15 and Rule 16 Storage or transfer of cargo materials within the Port Air Zone – permitted activity	This rule provides for the discharge to air of contaminants from the storage and transfer of cargo within the Port Air Zone as a permitted activity and includes dust discharges to air from products such as animal feed that is transferred from ships via ships cranes to the wharves. The operative Coastal Plan provides for the discharge of this product in these same circumstances to air and water via General Rule G2.11 (a). This rule has not been translated across to the Proposed Coastal Plan. It is considered that the effect on the environment from the discharge of contaminants from the storage and transfer of animal feed cargo to air and water in the Port Air Zone is minimal and is essentially fish feed.	<ol style="list-style-type: none"> 1. Amend Rule 15 to read as follows: Storage and transfer of cargo materials within the Port Air Zone involving discharge of contaminants to air and water. 2. Amend the standard/terms/conditions to refer to discharges to water as per G2.11 of the operative Plan. 3. Amend Rule 16 accordingly to refer to water as per above. <p>Alternatively, provide an exception for contaminant discharges from storage and transfer of animal feed cargo to water from storage and transfer to/from ships to wharves. This could be a rule placed before Rule 13.</p>
8.2 Structures and occupation			
	Rule 18 Outfall Structures	The permitted conditions require that the maximum diameter of an outfall structure be 150mm. This is considered to be a very low threshold, 300mm would be more reasonable alongside all the other conditions imposed.	Amend clause (a) to read as follows: (a) structure has a maximum internal diameter of 150 300 mm and extends a maximum of 0.5m seaward of the line of mean high water springs;
	Rule 25 Hard protection structure erection or placement – discretionary activity	The draft New Plymouth District Plan provides permitted activity status to the Taranaki Regional Council and the New Plymouth District Council for flood protection structures (ref rule CE R6). Port Taranaki has submitted that it be added as an organization able to undertake flood protection	<ol style="list-style-type: none"> 1. Provide for hard protection structures within the Port Coastal Management Area as a controlled activity. 2. Provide for other structures, not provided for in rules 18-32), within the Port Coastal Management Area as controlled activities; and

	And Rule 33 Other structures – discretionary activity	structures within the port concept plan area. As climate change and sea level rise continues and more frequent storms cause overtopping of the break waters the Port will need to take a proactive approach to protecting its assets within the Port Coastal Management Area. Full discretionary activity status for these activities will not enable agile responses and may hinder the ability of the PTL to protect its assets and the community.	provide an exception for PTL within the Port Coastal Management Area for flood protection structures (similar or same definition as in the draft New Plymouth District Plan) to be permitted activities. 3. Any consequential amendments required to other rules to give effect to this submission. 4. Any consequential amendments required to objectives and policies to give effect to this submission.
	Rule 35 Structure maintenance, repair or minor alteration	The port has been inadvertently left off the coastal management areas to which this rule applies. See rule 39 specifically for the port which references rule 35. This rule could then be used to replace akmons after storms have displaced them as a permitted activity, for instance. It is also unclear what a minor alteration in terms of this rule will allow, and may result in arbitrary decisions on whether the activity is permitted.	1. Add the Port Coastal Management area to this rule; 2. Clarify the rule to enable clear determination of minor alteration as a permitted activity. 3. Any consequential amendments required to rules to give effect to this submission. 4. Any consequential amendments to objectives and policies to give effect to this submission.
	Rule 36 Hard protection structure repair, alteration, extension or removal and replacement.	As per Rule 25, it is considered necessary to provide a more certain consenting pathway for the repair, alteration, extension or removal and replacement of existing lawfully established hard protection structures for the reasons given for Rule 25.	1. Provide for repair, alteration, extension or removal and replacement of existing lawfully established hard protection structures within the Port Coastal Management Area as a controlled activity. 2. Any consequential amendments required to other rules, objectives and policies to give effect to this submission. 3. Provide a non-notification clause.
	Rule 42 Other structure repair, alteration, extension or	The Port has considerable infrastructure investment in the Port Coastal Management Area and it is important that it has certainty in respect to repair, alteration, extension or removal and replacement of	1. Insert a new rule specifically for the Port Coastal Management area and in respect to port activities providing controlled activity status for other structure repair, alteration, extension or removal

	removal and replacement that is not provided for in Rules 35 to 41	structures that it is responsible for. It is considered appropriate that the activity status of this rule for port activities should be controlled rather than full discretionary.	and replacement that is not provided for in Rules 35 to 41 2. Make any consequential amendments to other rules and objectives and policies to give effect to this submission. Alternatively provide another rule structure or amendments/additional rules, to rules 35-41 that delivers the same result for the Port.
	Rule 45 Structure removal or demolition explosives	Reference to Rule 45 below (d) in the left hand column is incorrect.	Amend to read 44, (or other correct number once the plan numbering is complete).
	Rule 50 Other occupation that is not provided for in Rules 47 to 49	Reference to Rule 50 in the left hand is incorrect.	Amend to read 47-49 (or other correct number once the plan numbering is complete).
8.6 General Standards	Noise	The review of the PCP has provided the opportunity to use consistent parameters and standards for noise management in the Port irrespective of where the noise is generated. The New Plymouth District Plan utilizes the Port Noise Standard. PTL supports the application of the Port Noise standard NZS 6809 to noise controls in the PCP and considers that maintaining consistency between the provisions in the New Plymouth District Plan and the Proposed Coastal Plan as both go through its review process is required.	Retain the noise provisions in the plan based on implementation of the Port Noise Standard. Retain consistency of provisions between the New Plymouth District Plan and the Proposed Coastal Plan as each go through their respective review processes.
Part 9 Financial contributions	9	PTL generally supports the use of financial contributions for the purpose of ensuring positive effects on the environment to mitigate adverse	Retain section 9 Financial contributions, but amend the title to make it clear that compensation will still be available throughout the life of the Plan beyond 18 April 2022. A

		<p>effects, and is supportive of compensation and /or off sets for similar purposes. The changes to the RMA are acknowledged, which will mean that Council's are no longer able to require financial contributions under the RMA from 18 April 2022. PTL supports the on-going use of similar contributions beyond this time through mutually agreed consent conditions.</p> <p>9.1 sets out the purposes for which financial contributions may be imposed. In a number of places that is limited to the site or the same general locality or adjacent sites. In some instances environmental compensation may be agreed between the Council and an applicant in the resource consent process that may not be at the same site, adjacent or same general vicinity as that may not be practicable. PTL seeks a clause that contemplates environmental compensation that may be wider afield than the immediate/adjacent site or surrounding area.</p>	<p>suggested title is: 9 Financial contributions and environmental compensation.</p> <p>9.1 Purpose Amend Section 9.1 and clauses 9.1.1-9.1.8 to include wording that contemplates environmental compensation that may be applied wider afield than the immediate/adjacent site or surrounding area.</p>
Definitions and acronyms	Well (and Rules 26/27)	The definition of well does not include drilling a well/bore for the purpose of geotechnical investigation, and appears to relate entirely to holes drilled for the purpose of exploring, appraising or extracting hydrocarbons. This means that the activity slips through both Rule 26 and 27.	Extend the definition of well/bore to include wells for other purposes, including for the purposes of geotechnical investigations; and provide a rule that permits test bores/wells for geotechnical investigative purposes (subject to permitted conditions).
List of schedules			
	Schedule 7A Nationally and Regionally Significant Surfing Areas	It is noted that an additional surf break in the Port vicinity has been added to the list of regionally significant surf breaks, being 'Breakwater', located at the end of the Main Breakwater. PTL does not support the inclusion of this additional surf break and would like to understand why this surf break has been included.	Delete the "Breakwater" surf break from the list of regionally significant surf breaks, and delete references to it on the maps. Note this relief sought has been included as a placeholder until further information has been obtained on this surf break.

	Schedule 8	Wharf areas within the Port Air Zone are not clearly shown on the map in schedule 8.	Amend Schedule 8 to show that the wharves are clearly included in the Port Air Zone and correspond to the online maps for the Port Air Zone.
PDF Maps/online maps	Map 13/online maps	<p>This map does not clearly show the Port Air Zone.</p> <p>PTL was unaware of the identification of the “Breakwater” surf break as a regionally significant surf break and does not support its inclusion as a regionally significant surf break.</p>	<ol style="list-style-type: none"> 1. Amend map 13 to show that the wharves are clearly included in the Port Air Zone and correspond to the online maps for the Port Air Zone. 2. Delete the “Breakwater” as regionally significant surf break from map 13 and online map. Note this relief sought is a placeholder until PTL has further information on this surf break.

Submission on the Proposed Coastal Plan for Taranaki Taranaki Regional Council

Clause 6 of First Schedule, Resource Management Act 1991

To: Taranaki Regional Council
Address: Private Bag 713
Stratford 4352
Submitted online

Submission by: New Zealand Defence Force
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Preliminary Matters

This is a submission on the Proposed Coastal Plan for Taranaki (the Plan).

New Zealand Defence Force (NZDF) **could not** gain an advantage in trade competition through this submission.

The New Zealand Defence Force (NZDF) has military interests throughout New Zealand, including the Military Operational Area M302 located off the Taranaki Bight partly within the jurisdiction of the Proposed Coastal Plan for Taranaki. NZDF may also undertake temporary military training activities (TMTA) in the Taranaki region.

Training activities undertaken in and around the coastal area could include amphibious landings (where personnel are deployed to shore from sea and air), infrastructure support (sourcing potable water), search and rescue exercises, among others. These important training activities ensures that NZDF has a successful deployed joint force that can deal with any of the possible scenarios NZDF faces, both within New Zealand and overseas, including natural disasters and humanitarian crises.

This submission relates to the provisions relevant to NZDF interests including TMTA undertaken by NZDF, as they apply to the coastal environment.

Submission and decisions sought

NZDF's submission including the decision sought from Council on each of the matters raised in this submission are detailed on the attached sheet.



Date 27/04/18

Person authorised to sign
on behalf of New Zealand Defence Force

Table 1: NZDF submission

Point	Provision	Support/ Oppose	Reasons	Relief Sought
Definitions				
1	Definition of regionally important infrastructure	Support	The proposed definition of 'regionally important infrastructure' include defence facilities (point (e)) which is appropriate.	Retain the definition as notified.
2	Definition of Military Training	Support in part	The definition of "military training" is appropriate and is generally consistent with the definition contained within other regional plans nationwide. Defining this term in the Plan provides clarity in the application of the underlying provisions in the Plan. However, NZDF requests that the activity is described as 'temporary military training activities', and this wording is used throughout the Plan. Currently, various terms including "military training activities" and "temporary military training activities" are used in the Plan, which may be confusing for users. Consistent terminology would assist readability of the Plan.	Retain the definition as notified. Amend the definition and terminology used throughout the Plan to consistently refer to 'temporary military training activities'.
3	Definition of biofouling	Support	NZDF supports the proposed definition for biofouling.	Retain the definition as notified. <i>Biofouling means the aquatic organisms such as micro-organisms, plants and animals that have accumulated on surfaces and structures immersed in or exposed to the aquatic environment.</i>
Objectives				
4	Objective 2	Support	This objective recognises that some activities depend on being located within the coastal area (where located appropriately), while also aiming to ensure that coastal resources are used appropriately and efficiently.	Retain objective as notified.
5	Objective 3	Support	This objective provides for the operation of infrastructure and lawfully established activities, protecting them from new or	Retain objective as notified.

Point	Provision	Support/ Oppose	Reasons	Relief Sought
			inappropriate use and development (reverse sensitivity effects). This is important as infrastructure and activities can be affected by new development being located in proximity to them. The NZDF Military Operational Area M302 is partly within the Taranaki region and should be protected from inappropriate use and development.	
Policies				
6	Policy 6	Support	This policy recognises activities that provide for the wellbeing of the local community. NZDF considers this includes temporary military training activities (TMTA) as this training activity ensures the defence force personnel are appropriately trained to respond to events both in New Zealand and overseas. Having a properly trained defence force is essential to ensuring the nation's security and therefore this should be provided for in the Plan's policy framework. On this basis Policy 6 is supported.	Retain policy as notified.
7	Policy 17	Support	This policy aims to protect public access to the coastal marine area, which is appropriate. However, there may be times where public access needs to be restricted, including during activities undertaken in accordance with the Defence Act 1990, as noted in clause c(vi) of this policy.	Retain this policy, in particular clause c(vi), as notified.
8	Policy 22	Support	NZDF may undertake training activities involving the use of potable water treatment units, which may include the subsequent discharge of contaminants to coastal waters. This policy is considered to provide for these activities, while having regard to the appropriate parameters and outcomes.	Retain policy as notified.
9	Policy 28	Support	This policy provides for the cleaning and maintenance of structures and ships, while minimising the risk of the introduction and/or spread of harmful aquatic organisms, which is appropriate.	Retain policy as notified.
10	Policy 47	Oppose	NZDF may take coastal waters as part of undertaking training activities on the use of potable water treatment units. This policy provides for the taking and use of coastal water, at a	Amend Policy 47 to ensure a connection between the policy and rule framework and to allow the take

Point	Provision	Support/ Oppose	Reasons	Relief Sought
			<p>quantity or at a rate where there are no adverse effects. 'No adverse effects' is a very high bar and currently there is no connection between this policy and the underlying Rule 65 (discussed in submission point 24 below). This rule does not place any limits on quantity or rate of water take to ensure that there would be no adverse effects from the activity, as required by this Policy.</p> <p>NZDF wish to see alignment between Policy 47 and the associated rules, and for Policy 47 to allow for a reasonable volume and rate of coastal water to be abstracted as a permitted activity.</p>	and use of coastal water at a rate and volume where this take results in an acceptable level of environmental effect.
11	Policy 49	Support	This policy is considered appropriate as it allows for the use and development of the coastal marine area where noise and vibration is managed appropriately.	Retain policy as notified.
Rules				
12	Rule 9 Biofouling	Support in part	NZDF supports this rule, as it is appropriate to provide for this activity within the Port Zone. However, NZDF considers it is also important to provide for biofouling in the Open Coast and Estuaries Modified coastal management area as a permitted activity.	<p>Amend the rule to also provide for biofouling activities in the following coastal management areas:</p> <ul style="list-style-type: none"> • Estuaries Modified • Open Coast
13	Rule 9 Biofouling Standards (a) – (c)	Support in part	In general, NZDF supports the intent of these standards, however standard (c) stating the timeframe required for notifying the Ministry for Primary Industries (MPI) of a suspected invasive or non-indigenous aquatic species 'immediately', is considered impractical. Instead, NZDF suggests that the wording 'without unreasonable delay' is used, which appropriately provides for notification to MPI as soon as possible after the species is suspected.	Amend standard (c) to require notification to MPI of a suspected invasive or non-indigenous aquatic species ' <i>without unreasonable delay</i> '.
14	Rule 10 Biofouling	Oppose in part	Biofouling is an important preventative measure for managing aquatic pests and it also ensures ships are well maintained. Therefore the sampling, scraping and cleaning of objects should	Amend Rule 10 to provide for biofouling activities in the Outstanding Value and Estuaries Unmodified

Point	Provision	Support/ Oppose	Reasons	Relief Sought
			be provided for in Outstanding Value and Estuaries Unmodified Coastal Management Areas also.	Coastal Management Areas as a discretionary activity.
15	Rules 13 and 14	Oppose	<p>Rules 13 and 14 require consent be obtained for any discharge activity not specifically provided for by Rules 1 to 12. This is considered overly onerous for activities with less than minor effects on the environment, including activities associated with military training (along with numerous other activities which are not specifically identified but may have very minor / negligible effects).</p> <p>Military training in the coastal environment can involve training in the use of NZDF portable water treatment units. These units are deployed during events such as the Kaikoura earthquakes. It is important that NZDF personnel are fully trained in the use of these units.</p> <p>Potable water is only chlorinated if necessary for training purposes. Procedures ensure that chlorine levels in the receiving water will not exceed ANZECC guidelines.</p> <p>The concentrate and backwash water discharges contain only a concentration of natural contaminants, predominantly salt and suspended solids. This is managed by discharging over vegetated land, except when treatment systems with filtration units that retain solids are used. Concentrate from these units can be returned directly to water bodies without impacting receiving water quality.</p> <p>Equipment cleaning and disinfecting is generally undertaken at a camp or base, however it is sometimes necessary to discharge cleaning solutions and rinse water in the field. In this instance, it</p>	<p>Insert a new rule permitting minor discharges (similar to Rule 57 regarding minor disturbance and removal), which would provide for the operation of the portable water units. Alternatively, insert a new rule specifically permitting discharges from the operation of portable water treatment units, such as:</p> <p><u><i>“The discharge of contaminants or water to the coastal marine area from portable water treatment units for the purpose of temporary military training activities is a permitted activity.”</i></u></p>

Point	Provision	Support/ Oppose	Reasons	Relief Sought
			<p>is discharged in a controlled manner at locations where the contaminants will soak into the ground and not result in run-off to surface water.</p> <p>NZDF has monitored the use of portable water treatment units in coastal environments. Sampling results and analyses demonstrate that adverse effects on the environment from the discharges to the coastal marine area have little effect on coastal water quality. Tidal and wave action will rapidly disperse the discharges so there is unlikely to be a noticeable difference in water quality within a few metres of the discharge point. Discharges will not result in any turbidity over and above that normally generated by wave action, and any scour from the discharges will be temporary and rapidly re-established by the tide. On this basis, NZDF considers it appropriate for the discharges to be permitted.</p>	
16	Rule 31	Oppose in part	<p>NZDF supports the inclusion of a permitted activity rule for TMTA. As currently written the rule provides for the broad range of activities undertaken as part of military training.</p> <p>Although this rule does not provide for TMTA within Outstanding Value Coastal Management Areas, NZDF has reviewed these and considers that excluding these areas from this rule would not unduly restrict the ability for NZDF to undertake TMTA in the Region as a whole.</p>	Retain the rule wording as notified, and amend the underlying standards as discussed in further submission points below.
17	Rule 31 – permitted activity standard (a)	Oppose	NZDF has accepted a period of 31 days in other plans around the country during the Plan review process, providing national consistency, desirable to NZDF. This provides NZDF sufficient scope to undertake most TMTA activities, while also providing Council with surety that the occupation is temporary.	Amend standard to allow TMTA to occur for a duration of up to 31 days.
18	Rule 31 – standard (d)	Oppose	A requirement to notify a territorial authority should not be included as a standard in a regional plan.	Remove this standard in its entirety.

Point	Provision	Support/ Oppose	Reasons	Relief Sought
19	Rule 31 – standard (g)	Support in part	This standard references the general standards, including noise provisions. The Plan contains noise standards for TMTA. NZDF has obtained professional acoustic advice from Malcolm Hunt and Associates, who are very familiar with NZDF activities. NZDF has developed bespoke noise standards for TMTA, which are appropriate to the particular aspects of TMTA activities, most notably noise from weapons firing and explosives.	Amend the noise provisions in the Plan's General Standards section, as further discussed in point 22 of this submission.
20	Rule 31 – standard (h)	Neutral	This standard would not unduly restrict the majority of NZDF TMTA within the coastal marine area, and is therefore acceptable.	Retain as notified.
21	Rule 31 – standard (j)	Neutral	This standard would not unduly restrict the majority of TMTA within the coastal marine area.	Retain as notified.
22	General standard 8.6.3 (c)	Oppose	<p>This standard prescribes noise standards for TMTA in the coastal marine area. These standards as currently drafted are inappropriate for TMTA. NZDF wishes to make sure that the noise standards included in plans are up-to-date, appropriate for the type of noise generated and relatively simple to understand and assess compliance with.</p> <p>To this end, NZDF has commissioned professional acoustic advice on appropriate standards to control noise effects from temporary military training activities. This report can be provided on request. Based on this advice, NZDF has developed revised noise control standards that it is seeking to have included in proposed plans nation-wide (refer Attachment A). NZDF requests these are used in place of the limits listed in General Standard 8.6.3(c). A more detailed explanation of these standards is given in Attachment B to this submission.</p>	Remove the provisions within General Standard 8.6.3(c), and replace with the standards prepared by NZDF specifically for TMTA, that are attached as Attachment A to this submission.
23	Rule 32	Support	It is appropriate that TMTA that do not comply with permitted activity standards are controlled activities. This allows NZDF the surety that the activity can proceed (and in turn they can fulfil their obligations under the Defence Act) and also allows Council	Retain provision as notified.

Point	Provision	Support/ Oppose	Reasons	Relief Sought
			the control of potential adverse effects of the activity.	
24	Rule 65	Oppose	<p>This rule permits the taking and use of coastal water as a permitted activity, which would provide for TMTA activities. However, currently the connection between this rule and Policy 47 is unclear. As discussed in submission point 10 above, Policy 47 provides for the taking water in a quantity or at a rate that would not cause adverse environmental effects.</p> <p>Currently this rule does not provide any direction on the quantity or rate of take that would result in no adverse effects, as required by Policy 47.</p>	Amend rule to insert a limit on quantity and/or rate of water take, or otherwise amend to ensure consistency with Policy 47.

Attachment A: Noise Standards for Temporary Military Training Activities

General Standard xx: Temporary Military Training Activities in the coastal marine area shall comply with the following noise standards:

Note: When the background sound level exceeds the limits set out below (due to noise of the sea, wind noise, traffic noise or other uncontrollable types of noise), the limits will not apply but every person will remain under the duty to avoid unreasonable noise in section 16 of the RMA.

1. Weapons firing and/or the use of explosives

- a. Notice is provided to the Council at least 5 working days prior to the commencement of the activity.
- b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity:
0700 to 1900 hours: 500m
1900 to 0700 hours: 1,250m
- c. Where the minimum separation distances specified above cannot be met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity:
0700 to 1900 hours: 95 dBC
1900 to 0700 hours: 85 dBC

2. Mobile noise sources

Shall comply with the noise limits set out in Tables 2 and 3 of *NZS6803:1999 Acoustics – Construction Noise*, with reference to 'construction noise' taken to refer to mobile noise sources*.

Note: Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment.

3. Fixed (stationary) noise sources

Shall comply with the noise limits set out in the table below when measured at the notional boundary of any building housing a noise sensitive activity*.

Time (Monday to Sunday)	L _{Aeq} (15 min)	L _{AFmax}
0700 to 1900 hours	55 dB	
1900 to 2200 hours	50 dB	n.a.
2200 to 0700 hours the next day	45 dB	75 dB

Note: Fixed (stationary) noise sources (other than firing of weapons and explosives) include power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.

4. Helicopter landing areas

Shall comply with *NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas**.

* Noise levels shall be measured in accordance with *NZS6801:2008 Acoustics – Measurement of Sound*.

Attachment B: Explanation for replacement noise standards for Temporary Military Training Activities

NZDF wishes to make sure that the noise standards included in Plans are up-to-date, appropriate for the type of noise generated, and relatively simple to understand and assess compliance with. To this end, NZDF has commissioned professional acoustic advice on appropriate standards to control noise effects from Temporary Military Training Activities. This report can be provided on request. Based on this advice, NZDF has developed revised noise control standards that it will seek to have included in proposed plans nation-wide.

The replacement noise standards proposed by NZDF focus on compliance at dwellings, residentially zoned sites, and buildings used for residential, educational or healthcare purposes.

In summary, NZDF's proposed standards divide noise sources from Temporary Military Training Activities into four categories: weapons firing and explosions; other mobile sources such as vehicles and earthmoving equipment; fixed noise sources such as power generators and water pumping, and helicopter landing areas. Each of these noise sources has different noise characteristics, and therefore a different set of standards for controlling noise. NZDF considers that this division allows a more comprehensive and appropriate method for controlling noise from Temporary Military Training Activities.

For weapons firing and explosives, the noise control standard used is separation distances between the activity and any sensitive receiver (dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes). Four separation distances are specified – a night-time and daytime distance for firing of live ammunition and explosives, and a night-time and daytime distance for firing of blank ammunition, which is less noisy than live firing. The distances have been arrived at after review and analysis of data measured from real military activities, to ensure that the sound levels received at the specified distances will be reasonable (generally less than 55 dBA for daytime and less than 45 dBA for night-time). Using separation distance as a standard has the advantage of being an easy to comply with and easy to monitor standard.

For mobile noise sources (other than weapons firing and explosives), compliance with the construction noise standards is recommended, as this standard most appropriately addresses this type of noise.

For fixed noise sources, which can be located to ensure compliance with standards, dB LAeq levels are specified, in line with NZS6802:2008 Acoustics – Environmental Noise. This is considered the most appropriate way to control noise levels from these sources.

NZDF has also considered noise from helicopters associated with temporary military training activities. NZDF proposes the use of NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas to control this type of noise.

Your name

Fay Mulligan and Carol Koha

Organisation (if applicable)

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Could you gain an advantage in trade competition through this submission?

No

Do you wish to be heard in support of your application?

No

Your submission on the Proposed Plan

Areas in the plan that we wish to speak to are: vision, how the plan works, the Taranaki coastline, Mana whenua, coastal management, policies, tangatawhenua values and relationships, managing the Taranaki coastal environment, objectives, methods of implementation, management of the coastal environment, natural heritage, historic heritage, public use & enjoyment, coastal water /air quality, rules, guide for consents, sites with significant amenity values. Each area identified is in reference to protections of Cultural values / activities and Maori involvement and protection of tikanga.

Your comment on documents incorporated by reference in the Proposed Plan, as detailed in Schedule 9 (comment optional)

Document/file 1

Document/file 2

Document/file 3

Document/file 4

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR
PLAN, CHANGE OR VARIATION**

Clause 6 of Schedule 1, Resource Management Act 1991

To Taranaki Regional Council

Name of submitter: Radio New Zealand Limited (*RNZ*)

- 1 This is a submission on the following proposed plan (the *Proposed Plan*):
Proposed Coastal Plan for Taranaki.
- 2 *RNZ* could not gain an advantage in trade competition through this submission.
- 3 The specific provisions of the proposal that *RNZ's* submission relates to are set out in **Schedule 1** to this submission.
- 4 *RNZ* does not wish to be heard in support of the submission.

Introduction

- 5 Radio New Zealand Ltd (*RNZ*) welcomes the opportunity to provide preliminary feedback on the Proposed Plan. *RNZ* is generally supportive of the Proposed Plan, particularly the objectives and policies that support the ongoing operation of nationally and regionally significant infrastructure.
- 6 Detailed feedback on specific objectives and policies is set out in **Schedule 1**, and a summary of *RNZ's* facilities in Taranaki is set out below.

***RNZ's* facilities**

- 7 *RNZ* is a Crown entity established under the Radio New Zealand Act 1995. *RNZ* owns and operates radio transmission facilities on Pohutukawa Place, Bell Block, New Plymouth (*RNZ's Facilities*).
- 8 The radiocommunication activities from *RNZ's* Facilities are carried out by *RNZ* and other broadcasters, using equipment that is owned, maintained and operated by each broadcaster.
- 9 It is important that the continued operation, maintenance and improvement of *RNZ's* national transmission network can occur unimpeded. *RNZ's* Facilities are an integral and important part of *RNZ's* national communication network, and it is appropriate that the Proposed Plan recognises and provides for *RNZ's* activities.
- 10 *RNZ's* Facilities perform an important role in, among other things, providing news and information to the public and performing a civil defence role (radio is a key communication tool in the event of natural disasters and *RNZ* is designated as a Lifeline Utility under the Civil Defence Emergency Management Act 2002).

***RNZ* Facilities at Bell Block**

- 11 *RNZ's* Facilities at Bell Block include:

- 11.1 a main concrete block transmitter building containing 4 AM radio transmitters and ancillary equipment and an emergency generator and control equipment;
 - 11.2 a free standing fuel tank; and
 - 11.3 a 53 metre guyed aerial mast, at the base of which there is a steel shipping container containing aerial coupling unit components.
- 12 These facilities broadcast multiple radio programmes (and carry out civil defence functions) to New Plymouth and surrounding areas. The rest of the facility consists of underground wires and cables.
 - 13 RNZ's Facilities are located approximately 800m from the Coastal Marine Area boundary line as shown on the Proposed Plan. The location of RNZ's Facilities is shown in **Figure 1** below.



Figure 1: Location of RNZ Bell Block Transmitter Site

- 14 The Proposed Plan applies to activities carried out in the "coastal environment". While RNZ's Facilities are located a reasonable distance from the coast, the definition of "coastal environment" in the Proposed Plan is sufficiently broad that RNZ's Facilities may be considered to fall within the "coastal environment", and therefore the Proposed Plan *may* apply to RNZ's Facilities and activities on surrounding land.
- 15 The proposed definition of "coastal environment" is:

Means the areas where coastal processes, influences or qualities are significant, including lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these and includes the coastal marine area.

16 Section 1.4.1 Geographic extent of the Proposed Plan states:

The Plan has effect over the coastal marine area of the Taranaki region and the coastal environment. The coastal marine area is defined in section 2 of the RMA and shown on SO Plan 13043 deposited with the Chief Surveyor of the Taranaki Land District....

...

For the purposes of integrated management, Plan objectives, general policies and methods (excluding rules) address not only the coastal marine area but the wider coastal environment. The wider coastal environment comprises the coastal marine area, together with land dominated by the coast where coastal processes, influences or qualities predominate.

17 Figure 2 of the Proposed Plan (reproduced below) sets out the area where the Proposed Plan applies, noting that the 'coastal environment boundary' is determined on a case-by-case basis. Only objectives, policies and methods apply to the wider coastal environment (not rules).

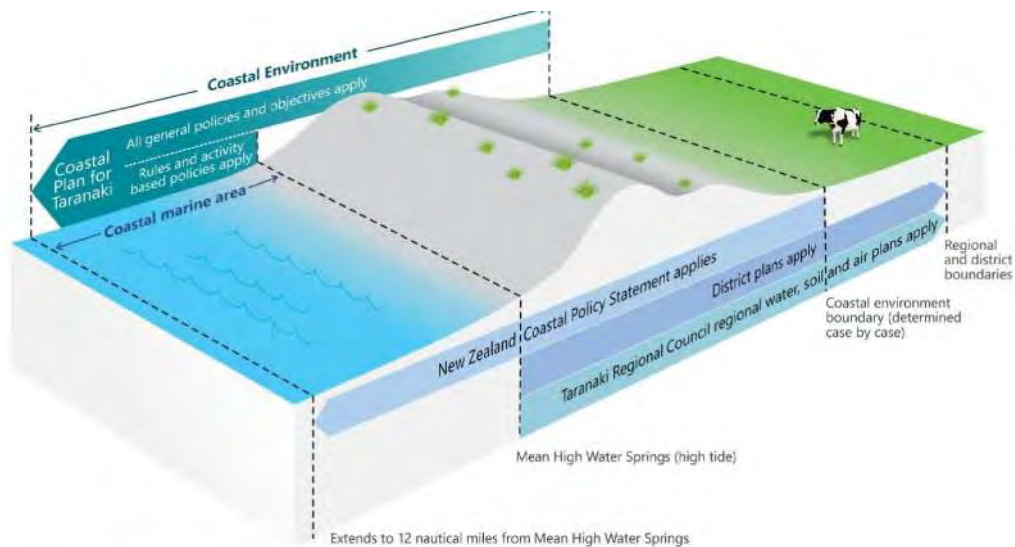


Figure 2: Area where the Plan applies

Figure 2: Area where the Proposed Plan applies (taken from page 3 of the Proposed Plan)

18 RNZ has not formed a view on whether its Facilities ought to be considered to fall within the 'coastal environment'. However, erring on the side of caution, RNZ has prepared this submission to ensure that there are sufficient objectives and policies in the Proposed Plan to enable RNZ to continue to undertake daily operations, maintenance and upgrade of RNZ's Facilities as required, in case RNZ's Facilities are

determined to fall within the 'coastal environment'. As a lifeline utility, it is critically important that RNZ is not unduly restricted from carrying out such activities that are fundamental to the ongoing operation of its transmission activities.

- 19 RNZ's Facilities do not usually generate high levels of noise. However, RNZ occasionally has to use its back-up generator (during an emergency or for testing purposes), and this can be noisy when operating. The nearest dwelling is 300 metres away from RNZ's Facilities, and RNZ has not received any noise-related complaints from residents. However, if new noise-sensitive activities were to be established closer to RNZ's Facilities, they may experience reverse sensitivity effects from the noise associated with the operation of the generator.
- 20 Therefore, it is important that the Plan acknowledges that reverse sensitivity effects (for example noise and amenity effects) associated with network utilities often cannot be avoided; and therefore activities sensitive to these effects should avoid locating in areas where they may be adversely affected by network utility activities.
- 21 The table in **Schedule 1** identifies specific objectives, policies and methods that RNZ supports, and others that RNZ considers require minor amendment, in order to provide adequate recognition and protection of RNZ's Facilities (and other similar infrastructure providers).

Signed for and on behalf of Radio New Zealand Limited by its solicitors and authorised agents Chapman Tripp



Ben Williams
Partner
27 April 2018

(A signature is not required if you make your submission by electronic means)

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Note to person making submission

If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through this submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act.

Schedule 1: Specific submissions on objectives, policies and methods in the Proposed Coastal Plan for Taranaki on behalf of Radio New Zealand Limited

Section	Objective/Policy/Method wording	Support/Oppose	Comment
Objective 1: Integrated management	<i>Management of the coastal environment, including the effects of use and development on land, air and fresh water, is carried out in an integrated manner.</i>	Support	RNZ supports the integrated management of natural and physical resources.
Objective 2: Appropriate use and development	<i>Natural and physical resources of the coastal environment are used efficiently, and activities that depend on the use and development of these resources are provided for in appropriate locations.</i>	Support	It is necessary for RNZ's Facilities to be located out of main centres, away from sensitive activities (such as residential areas). Therefore, RNZ's Bell Block Facilities are appropriately located near the coast.
Objective 3: Reverse sensitivity	<i>The use and ongoing operation of nationally and regionally important infrastructure and other existing lawfully established activities is protected from new or inappropriate use and development in the coastal environment.</i>	Support	As explained above, as a lifeline utility, it is essential that RNZ is able to maintain, upgrade and replace where necessary its existing radio transmission Facilities at Bell Block.
Policy 2: Integrated management	<i>Provide for the integrated management of the coastal environment by:</i> <i>a) implementing policies under section 5.1 of the Plan in managing the effects of activities (positive and</i>	Support	RNZ supports the integrated management of natural and physical resources. In particular, RNZ supports the recognition in Policy 2(f) of the functional and

	<p><i>negative) undertaken in the coastal marine area on significant values and characteristics of the wider coastal environment;</i></p> <p><i>b) implementing policies, methods and rules in other regional plans in relation to managing adverse effects associated with diffuse and direct discharges to freshwater and air, and soil disturbance;</i></p> <p><i>c) taking into account the potential for cross-media effects and the connections between freshwater bodies and coastal water;</i></p> <p><i>d) considering the effects of activities undertaken in the coastal marine area on land or waters held or managed under other statutes, and the purposes of those statutes, including marine areas with legal protection identified in Schedule 1 and statutory acknowledgements identified in Appendix 2;</i></p> <p><i>e) considering the effects of activities in the coastal marine area on outstanding natural features and landscapes or areas of outstanding natural character identified in other regional or district plans;</i></p> <p><i>f) managing natural and physical coastal resources in a manner that has regard to the social, economic and cultural objectives and well-being of the community and the functional and/or location constraints of nationally or regionally important infrastructure; and</i></p> <p><i>g) working collaboratively with government departments, territorial authorities, other agencies, and tangata</i></p>		<p>locational constraints of nationally or regionally important infrastructure.</p>
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	<p><i>whenua in accordance with Policy 15, that have roles and responsibilities that contribute to, and impact on, the management of coastal resources, including where activities in the Taranaki coastal marine area may result in adverse effects, or associated use and development beyond the coastal marine area.</i></p>		
<p>Policy 4: Extent and characteristics of the coastal environment</p>	<p><i>Determine the inland extent of the coastal environment for the purposes of policies under Section 5.1 of the Plan on a case by case basis by having regard to:</i></p> <ul style="list-style-type: none"> <i>a) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas; and</i> <i>b) the geographic extent to which activities within the coastal marine area may cause adverse effects on significant values and characteristics landward of the coastal marine area.</i> 	<p>Support with amendment</p>	<p>RNZ supports a Policy that clearly defines the extent of the 'coastal environment', however considers that Policy 4 is worded broadly, and may be difficult to implement in practice. For example, it is not clear from Policy 4 whether RNZ's Facilities fall within or outside of the "coastal environment", because it is not clear what the threshold is for "significance" of coastal processes or influences.</p> <p>RNZ suggests the following amendment, so that (a) mirrors (b):</p> <ul style="list-style-type: none"> <i>a) areas where coastal processes, influences or qualities are significant, <u>and where activities may cause adverse effects on significant values and characteristics in the coastal marine area,</u></i>

			<p><i>including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas.</i></p>
<p>Policy 5: Appropriate use and development of the coastal environment</p>	<p><i>Determine whether use and development of the coastal environment is in an appropriate place and form and within appropriate limits by having regard to:</i></p> <ul style="list-style-type: none"> <i>a) the functional need for the activity to be located in the coastal marine area. Conversely, activities that do not have a functional need to be located in the coastal marine area generally should not be located there (unless the nonmarine related activity complements the intended use and function of the area);</i> <i>b) the benefits to be derived from the activity at a local, regional and national level, including the potential contribution of aquaculture and marine based renewable energy resources;</i> <i>c) the appropriateness of the proposed design, methodology, whether it is the best practicable option, location or route of the activity in the context of the receiving environment and any possible alternatives;</i> <i>d) the degree to which the activity will recognise and provide for the relationships, uses and practices of Māori and their culture and traditions with their lands, water, sites, wāhi tapu, and other taonga in the coastal environment such as mahinga kai, tauranga waka</i> 	<p>Support with amendment</p>	<p>RNZ supports the recognition of the 'functional need' for activities to be located in the 'coastal marine area', however RNZ submits that this should also refer to the functional need for activities to be located within the wider 'coastal environment', as the first part of the Policy clearly refers to 'use and development of the coastal environment'.</p> <p>RNZ suggests the following amendment:</p> <ul style="list-style-type: none"> <i>a) the functional need for the activity to be located in the coastal marine area <u>or the coastal environment</u>. Conversely, activities that do not have a functional need to be located in the coastal marine area <u>or the coastal environment</u> generally should not be located there...</i>

	<p><i>(canoe landing sites), nga toka (rocks) and turanga ika (fishing grounds);</i></p> <p><i>e) the degree to which the activity will be threatened by, or contribute to, coastal hazard risk, or pose a threat to public health and safety with particular reference to Policy 20;</i></p> <p><i>f) the degree to which the activity contributes to the enhancement or restoration of natural or historic heritage including by buffering areas and sites of historical heritage value;</i></p> <p><i>g) the degree to which the activity contributes to the enhancement or restoration of public access or public use of the coast including for recreation;</i></p> <p><i>h) whether any landward component, development or use of land-based infrastructure or facilities associated with the activity can be appropriately provided for;</i></p> <p><i>i) whether the activity is for scientific investigation or educational study or research; and</i></p> <p><i>j) the degree and significance of actual or potential adverse effects of the activity on the environment, including consideration of:</i></p> <p><i>i. cumulative effects of otherwise minor activities;</i></p> <p><i>ii. the sensitivity of the environment with particular reference to Policy 1; and</i></p>		
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	<i>iii. the efficacy of measures to avoid, remedy or mitigate such effects, or provide environmental compensation where effects cannot be remedied or mitigated.</i>		
Policy 6: Activities important to the well-being of people and communities	<i>Recognise and provide for new and existing infrastructure of regional importance or of significance to the social, economic and cultural well-being of people and communities in Taranaki, subject to appropriate management of adverse environmental effects.</i>	Support	RNZ supports the recognition of the need to provide for new and existing infrastructure, such as RNZ's Bell Block Facilities.
Policy 7: Impacts on established operations and activities	<i>Avoid, remedy or mitigate the adverse effects of activities, including reverse sensitivity impacts, on existing lawfully established activities.</i>	Support	<p>The operation of RNZ's Facilities can contribute to noise and amenity effects on surrounding sensitive activities when these activities establish in close proximity to RNZ's transmitter sites. For this reason, RNZ's Facilities are located out of main centres, away from highly developed areas, to minimise adverse effects on surrounding activities.</p> <p>It is important that reverse sensitivity impacts on existing lawfully established activities (such as RNZ's transmitter site) are taken into account when considering the development of new activities. Therefore, RNZ supports Policy 7.</p>

<p>Policy 9: Natural character and natural features and landscapes</p>	<p><i>Protect all other areas of the coastal environment not identified in Schedule 2 by:</i></p> <p><i>(a) avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on natural character and natural features and landscapes by having regard to the extent to which the activity:</i></p> <p><i>(i) contributes to the enhancement or restoration of natural character;</i></p> <p><i>(ii) is compatible with the existing level of modification to the environment, including by having particular regard to Policy 1;</i></p> <p><i>(iii) is appropriate for the context of the area within the surrounding landscape, its representativeness and ability to accommodate change;</i></p> <p><i>(iv) is of an appropriate form, scale and design to be sympathetic to the existing landforms, features and vegetation (excluding high visibility markers required for safety or conservation purposes) or is of a temporary nature and any adverse effects are of a short duration and are reversible;</i></p> <p><i>(v) maintains the integrity of significant areas of indigenous vegetation;</i></p> <p><i>(vi) maintains the integrity of historic heritage;</i></p>	<p>Support</p>	<p>RNZ supports the protection of the coastal environment, subject to acknowledgment of the existing level of modification to the environment as provided for in Policy 9(a)(ii).</p>
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	<p><i>(vii) maintains physical, visual (including seascapes) and experiential attributes that significantly contribute to the scenic, wild or other aesthetic values of the area; and</i></p> <p><i>(viii) alters the integrity of landforms and features, or disrupts the natural processes and ecosystems.</i></p>		
Policy 17: Public access	<p><i>Maintain and enhance public access to, along and adjacent to the coastal environment by:</i></p> <p><i>(a) avoiding, remedying or mitigating any adverse effects of activities on public access;</i></p> <p><i>(b) promoting the enhancement or restoration of public access including for the connection of areas of public open space, access to mahinga kai, access to sites of historical and/or cultural importance, improving outdoor recreation opportunities, access to surf breaks and providing access for people with disabilities; and</i></p> <p><i>(c) only imposing a restriction on public access, including vehicles, where such a restriction is necessary to:</i></p> <p><i>i) protect significant natural or historic heritage values;</i></p> <p><i>ii) protect dunes, estuaries and other sensitive natural areas or habitats;</i></p> <p><i>iii) protect sites and activities of cultural value to Māori;</i></p>	Support	RNZ supports public access to the coastal environment, subject to any necessary restrictions for public safety reasons as provided for in Policy 17(c)(v). It is not safe or practical to allow public access to RNZ's transmitter site.

	<p><i>iv) protect threatened or at risk indigenous species and rare and uncommon ecosystem types as identified in Schedule 4A;</i></p> <p><i>v) protect public health or safety, including where the safety of other coastal or beach users is threatened by inappropriate use of vehicles on beaches and vessels offshore;</i></p> <p><i>vi) provide for defence purposes in accordance with the Defence Act 1990 or port or airport purposes;</i></p> <p><i>vii) avoid or reduce conflict between public uses of the coastal marine area and its margins;</i></p> <p><i>viii) provide for temporary activities or special events;</i></p> <p><i>ix) ensure a level of security consistent with the activity, including protection of equipment; or</i></p> <p><i>x) provide for other exceptional circumstances where restriction to public access is justifiable;</i></p> <p><i>and alternative access routes for the public have been considered and provided where practicable.</i></p>		
<p>Method 6.3 Use and development of resources</p>	<p><i>12. Implement Plan objectives, policies and methods of implementation that recognise and provide for appropriate use and development in the coastal environment.</i></p>	<p>Support</p>	<p>As above, it is essential that the Plan enables the ongoing use, maintenance, upgrade and replacement of existing infrastructure facilities in the coastal environment.</p>

<p>Definitions: Regionally important infrastructure</p>	<p><i>Regionally important infrastructure means infrastructure of regional and/or national importance and is:</i></p> <p>....</p> <p><i>(i) strategic radio communications facilities as defined in section 2(1) of the RadioCommunications Act 1989;</i></p>	<p>Support with amendment</p>	<p>Section 2(1) of the Radiocommunications Act 1989 defines "radiocommunications", but not "strategic radiocommunications facilities".</p> <p>Therefore, RNZ submits that the definition of <i>Regionally important infrastructure</i> in the Proposed Plan should be amended as follows:</p> <p><i>(i) strategic radio communications <u>radiocommunications</u> facilities as defined in section 2(1) of the RadioCommunications Act 1989.</i></p>
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27 April 2018

Fred McLay
Taranaki Regional Council
Private Bag 713
STRATFORD
4352

Dear Mr McLay,

Todd Energy Limited Submission on the Proposed Regional Coastal Plan for Taranaki

The purpose of this submission is to register Todd Energy Limited's (Todd's) interest in this plan review process, and all oil and gas related provisions within the proposed plan.

As the proposed plan is currently drafted, Todd is generally supportive of the oil and gas provisions.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Nik Pyselman", with a long horizontal flourish extending to the right.

Nik Pyselman
Environmental Manager

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Enterprise
& Energy

27 April 2018

Submission on the Proposed Taranaki Regional Coastal Plan
Taranaki Regional Council

PEPANZ Submission: Proposed Regional Coastal Plan for Taranaki

This document constitutes the Petroleum Exploration and Production Association of New Zealand's (PEPANZ) submission in respect of the Proposed Regional Coastal Plan, which was released by the Taranaki Regional Council in February 2018. PEPANZ represents private sector companies holding petroleum exploration and mining permits, service companies and individuals working in the industry.

Overarching comments

Introduction

PEPANZ welcomes the opportunity to provide a submission on the Proposed Coastal Plan. We appreciate the iterative process taken by the Regional Council leading up to this formal notification, which has meant the notified version of the plan is good shape overall. PEPANZ has provided comment on several occasions, first in November 2016.

This submission generally supports the plan, but recommends changes to:

1. align decommissioning policy with the International Maritime Organisation's guidelines on decommissioning and the direction the Central Government is moving in;
2. permit air discharges with negligible effects before the discretionary classification is triggered; and
3. use clearer wording in relation to effects on natural character
4. the definition of Regionally Important Infrastructure to include storage facilities.

We also recommend that noise limits are not changed in the absence of a proven problem with the status quo; and

These points are outlined fully in the attached table.

PEPANZ supports all other petroleum-related provisions in the Proposed Plan that are not explicitly mentioned in the attached table.

Table 1: Submission on the Proposed Coastal Plan

SECTION	SUMMARY OF SECTION	INITIAL POSITION	SUBMISSION POINTS WITH RATIONALE
Policy 3: Precautionary Approach	Adopt a precautionary approach, which may include using an adaptive management approach, where the effects of any activity on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.	Support	Focussing the precautionary approach on “potentially significantly adverse” effects adds a materiality concept which is useful, to only drive caution when it is necessary based on likely risk.
Policy 6: Activities important to the well-being of people and communities	Recognise and provide for new and existing infrastructure of regional importance or of significance to the social, economic and cultural well-being of people and communities in Taranaki, subject to appropriate management of adverse environmental effects.	Support	It is appropriate that ‘Activities important to the well-being of people and communities’ are recognised and provided for, and that oil and gas is included. Oil and gas provides energy security to the country and contributes 40% of Taranaki’s GDP, giving Taranaki the highest regional GDP per capita in New Zealand. The sector is highly productive and well-paid. It also makes significant regional contributions through social investment.
Policy 9: Natural character and natural features and landscapes	The section outlines the ways in which adverse effects on natural character and features are avoided, remedied or mitigated.	Support with amendment	Acknowledging that some of the language is used in the NZCPS, we submit that it would be more appropriate to use clear and objective language such as avoid, preserve, protect, enhance, restore, rather than subjective language such as "sympathetic". As currently drafted, the Policy is worded in the negative and positive. It would be better to have this worded so that it refers to positive actions such as maintain, minimise etc.

			<p>We suggest replacing certain phrases with more direct language, as follows:</p> <ol style="list-style-type: none"> 1. <i>is of an appropriate form, scale and design to be sympathetic <u>minimise effects on the character, visual amenity and quality of</u> to the existing landforms, features and vegetation (excluding high visibility markers required for safety or conservation purposes);</i> 2. <i>contributes to the enhancement <u>ment</u> or restoration of natural character;</i> 3. <i>is compatible with the existing level of modification to the environment, including by having particular regard to Policy 1;</i> 4. <i>is appropriate for the context of the area within the surrounding landscape, its representativeness and ability to accommodate change;</i> 5. <i>is of an appropriate form, scale and design to be sympathetic <u>minimise effects on the character, visual amenity and quality of</u> to the existing landforms, features and vegetation (excluding high visibility markers required for safety or conservation purposes).</i>
<p>Policy 38: Removal of coastal structures</p>	<p>Decommissioning and removal of any new structure will be planned for as part of the initial design and installation.</p> <p>Structures will be removed from the coastal marine area at the expiry of their authorisations or at the end of their useful lives, unless one or more of the following applies:</p> <ol style="list-style-type: none"> a) removal of the structure would cause greater adverse effects on the 	<p>Support with amendment</p>	<p>POINT 1.</p> <p>We support what we understand to be the intent of the policy. However, the text “structures will be removed... unless one or more of the following applies” is ambiguous. The current wording could be read as if the Regional Council <i>imposes</i> a requirement to leave it there if an item in the list is triggered. We presume, however, that the policy is meant to allow the operator to <i>apply</i> to leave structures or parts of structure in place if one of the items in the list can be met.</p> <p>The text could be amended to say something to the effect of “Structures will be removed. Applications to abandon material <i>in situ</i> or elsewhere in the coastal marine area can be made if one or more of the following applies.”</p> <p>We support the activity classification in Rule 46, which specifies that structure or demolition are discretionary.</p> <p>---</p>

	<p>environment than leaving it in place;</p> <p>b) the structure is an integral part of an historic heritage site or landscape;</p> <p>c) or the structure, or part of the structure, has reuse value that is considered appropriate in accordance with Policy 5.</p>		<p>POINT 2.</p> <p>We suggest that, in line with a comparative assessment, that further factors can be considered when making applications to leave materials <i>in situ</i>. This would also be consistent with the direction of Central Government’s proposed policy for structures in the exclusive economic zone. This is in line with the International Maritime Organisation’s 1989 guidelines¹ and include consideration of costs, technical feasibility and health and safety risks. We recommend the following considerations also be added to the Coastal Plan for consideration (from the IMO guidelines):</p> <p><i>"The decision to allow an offshore installation, structure, or parts thereof, to remain on the sea-bed should be based, in particular, on a case-by-case evaluation, by the coastal State with jurisdiction over the installation or structure, of the following matters:</i></p> <p><i>.1 any potential effect on the safety of surface or subsurface navigation, or of other uses of the sea;</i></p> <p><i>.2 the rate of deterioration of the material and its present and possible future effect on the marine environment:</i></p> <p><i>.3 the potential effect on the marine environment, including living resources;</i></p> <p><i>.4 the risk that the material will shift from its position at some future time;</i></p> <p><i>.5 the costs, technical feasibility, and risks of injury to personnel associated with removal of the installation or structure, and</i></p> <p><i>.6 the determination of a new use or other reasonable Justification for allowing the installation or structure or parts thereof to remain on the sea-bed."</i></p> <p>POINT 3.</p> <p>It is unclear what the expectation will be with respect to planning for decommissioning and removal. It is recommended that this be clarified to allow for a description of general principles and options for decommissioning and removal of new structures. This will provide clarity to officials and operators that</p>
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¹ <https://cil.nus.edu.sg/wp-content/uploads/formidable/18/1989-Guidelines-and-Standards-for-the-Removal-of-Offshore-Installations-and-Structures-on-the-Continental-Shelf-and-in-the-Exclusive-Economic-Zone.pdf>

			a detailed decommissioning plan is not required at the time of applications for new structures.
Policy 32: Placement of structures	“where appropriate, should be made of, or finished with, materials that are visually and aesthetically compatible with the adjoining coast.”	Oppose	<p>Subjective policies like this are inherently difficult and “Aesthetic compatibility” may be difficult to measure. We appreciate that this is driven by policy directives in the New Zealand Coastal Policy Statement, but consider the Plan should be more specific.</p> <p>We suggest that it is more appropriate to use clear objective language. Our suggested wording to remove the subject elements is "<i>where appropriate, should be made of, or finished with, materials that are visually and aesthetically compatible with minimise effects on the character and visual amenity of the adjoining coast.</i>"</p>
Policy 42: Discharge of the foreshore and seabed	“Activities that cause disturbance of the foreshore or seabed will: Avoid significant adverse effects caused by the release of contaminants”	Support	We are comfortable with this policy, providing that Council has considered he routine discharge that affect the seabed (e.g. discharge of drill cuttings) are considered less than significant.
Rule 12 Seismic Surveying and Bathymetric Testing	Seismic surveys are permitted if the testing complies with the 2013 Code of Conduct	Support	This is appropriate, and operators comply with this under the EEZ Act’s Permitted Activity Regulations 2013. This promotes consistent policy across the territorial sea and exclusive economic zone.
Rule 17 Other discharges to air not provided for in Rules 15 and 16	Air discharges now all discretionary	Oppose	<p>We support treating flaring as a discretionary activity, but we request that Rule 17 is amended to permit discharges to air that have less than minor effects, before the discretionary classification applies. This is to enable the discharge of miscellaneous emissions without requiring consent.</p> <p>One option could be to include a permitted activity Rule for the flaring and venting of gas beyond a certain distance from the coast if the discharge is minor and temporary. The rationale for this exclusion is that the effects associated with offshore gas flaring and venting are negligible given the proximity to potentially affected parties and the dilution of the discharge in the air.</p>

			<p>Additionally, it may be appropriate to permit miscellaneous and minor emissions from tank vents or discharges from engines. A solution could be a permitted activity for emissions below a specified threshold. This would reduce the regulatory burden on the Regional Council in relation to processing consents for air discharges with negligible effects.</p> <p>Also of note is that the definition of “industrial trade premises” is vague and could include many things. One interpretation could even stretch as far as to include vessels, as they are typically “used for industrial or trade purposes. This may be farfetched, but it highlights the need to clarify this Rule and definition.</p> <p>To support the preference for a permitted standard, we draw attention to the drafting in Rule 66 of the current Wellington Regional Coastal Plan and the useful condition it employs:</p> <p><i>“The venting of draignage systems, not including the venting of trade wastes or sewage conveyance systems, is a Permitted Activity provided that the discharge complies with the conditions specified below.</i></p> <p>Conditions</p> <p><i>(1) The discharge shall not result in odour, gas, vapour or aerosols which are noxious, dangerous, offensive or objectionable to other users of the coastal marine area or adjoining land users as a result of its frequency, intensity or duration.”</i></p>
Rule 26 and 27 Exploration or appraisal well drilling		Support with Amendment	<p>We support these rules and activity classifications, but suggest the following amendments:</p> <ul style="list-style-type: none"> • To include the wording after point (a), Rule 26 “<u>.....unless the Applicant can show to the satisfaction of Council that drilling within these parameters would avoid any potential cumulative effects.</u>” • to align language in point (b) in Rule 26 by inserting “temporary exclusive” before “occupation of space in the common marine and

			coastal area". This would align with the use of "temporary exclusive" in Rule 27.
General Standards, Section 8.6(d)	This has changed the noise limits under (d) 10pm to 7am is now 40 dB LAeq, previously this would have been 45 dBA L10.	Neutral	We are unaware of issues with the current limit of 45 dBA that warrants the proposed stricter condition.
Definition of Regionally important infrastructure	"Regionally important infrastructure means infrastructure of regional and/or national importance and is: facilities and arterial pipelines for the supply or distribution of minerals including oil and gas and their derivatives"	Support with amendment	We recommend that 'storage' is included in the definition to cover storage tanks, i.e. amend to "supply, <u>storage</u> , or distribution"

PEPANZ supports all other petroleum-related provisions in the Proposed Plan that are not explicitly mentioned in the above table.

Your name

nigel cliffe

Organisation (if applicable)

acupuncture south taranaki

Address

276 wataroa rd, pungarehu, taranaki

Daytime phone number

0276819524

Email address

tubularz2012@gmail.com

Could you gain an advantage in trade competition through this submission?

No

Do you wish to be heard in support of your application?

No

Your submission on the Proposed Plan

my submission relates to the development of the regionally significant surf area. i believe that the toilet at paora rd should not be able to discharge any fluids or solids into the ocean. either directly or by way of ground water. i propose that the location of the toilet is reassessed.

the second aspect of the submission relates to the inclusion of people who live in the surf area to be included in decisions about any water bourne events and any exclusions that these events may incur.

My submission also opposes any waterbourne events lasting more than 3 consecutive days over a 5 day period. I support what has been in place previously in the coastal plan relating to waterbourne events.

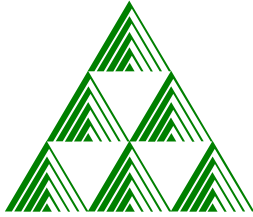
Your comment on documents incorporated by reference in the Proposed Plan, as detailed in Schedule 9 (comment optional)

Document/file 1

Document/file 2

Document/file 3

Document/file 4



MANIAPOTO MĀORI TRUST BOARD

49 Taupiri Street
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TE KUITI

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Fax 07 878 6409

27 April 2018

Coastal Plan Review Project Team
Taranaki Regional Council
Private Bag 713
Stratford 4352

Tēnā koutou katoa,

A muri kia mau ki tēnā, kia mau ki te kawau mārō, whanake ake, whanake ake!

The Maniapoto Māori Trust Board (the Board) is constituted under the Maniapoto Māori Trust Board Act 1988 as a body corporate for the purposes of the Maori Trust Boards Act 1955. The beneficiaries of the Board are the members of the Maniapoto tribe and their descendants.

The indicative Maniapoto tribal boundaries extend from Te Raukumara in the north down to Waipingao Stream on the West Coast, inland to Taumarunui in the south and across to Wharepungua and the Hauhungaroa Range on the eastern boundary. The Board has 7 Regional Management Committees (RMC) within the Maniapoto rohe who represent clusters of marae in their respective areas. Our most southern west coast RMC is Mōkau ki Runga RMC based in Mōkau.

The Board holds responsibilities as co-governors and co-managers with the Crown for the Waipā River. These responsibilities are legislated under the Ngā Wai o Maniapoto (Waipā River) Act 2012 (NWOM) and also the co-governance entity, Waikato River Authority/Waikato River Clean-Up Trust.

The Board have developed one key document regarding the West Coast and the rest of the Maniapoto area which is: *He Mahere Taiao – The Maniapoto Iwi Environmental Management Plan*

The Board support this submission and acknowledge Mōkau ki Runga RMC.

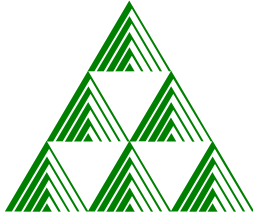
TARANAKI REGIONAL COUNCIL AND THE MANIAPOTO MĀORI TRUST BOARD

REGIONAL COASTAL PLAN REVIEW

The following are considered priority matters for Maniapoto:

1. Tangata Whenua Values and Relationships

Tangata whenua values and relationships are a key priority for Maniapoto and we encourage the Council to work closely with Mokau ki Runga RMC around matters including social, cultural and economic wellbeing.



MANIAPOTO MĀORI TRUST BOARD

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Waahi tapu sites and cultural significance of taonga and customary resources have been a concern for Maniapoto Maori Trust Board and we have been engaging with the Ministry for Culture and Heritage on some taonga that have been found at Tongaporutu.

We have close relationships with Ngati Tama and work well together. The position of Maniapoto is that the relationship of tangata whenua is recognised and provided for within this Coastal Plan.

2. Natural and Historic Heritage

The Board support the importance of natural and historic heritage and Taranaki abounds with it. We would like to ensure that the Māori narrative is incorporated into the rich history of Taranaki.

3. Coastal Water Quality

The quality of the coastal waters are of great interest to Maniapoto and ensuring that they are not further degraded any further. The mauri of the waters gives life. The Board support measures to ensure that development pressures do not deteriorate the coastal water quality.

4. Coastal hazards

The Mokau area is quite remote and high risk of coastal hazards. The Board encourage the Council to ensure that there is adequate resourcing to reduce vulnerability to property and the people who live there.

5. Indigenous biodiversity

The Board encourages the Council to ensure that indigenous biodiversity in the coastal environment is maintained and enhanced and that it is protected.

6. Treaty of Waitangi

The Board encourages the Council to uphold the principles of the Treaty of Waitangi and to actively look at Māori representation on its standing committees. We encourage the Council to recognise the spiritual connection that tangata whenua have with the coastal environment.

7. Life-supporting capacity and Mauri

The Board supports recognition by Council of Mauri and adverse effects when there is development of the coastal environment.

CONCLUSION

The Board has set the direction for Maniapoto in relation to the Maniapoto boundaries which are documented in: He Mahere Taiao – The Maniapoto Iwi Environmental Management Plan. We encourage Council to look specifically at Chapter 17 to further understand the position of Maniapoto.

The Board acknowledges and supports the Council to effectively lead and manage the Taranaki Region, for the greater community.



MANIAPOTO MĀORI TRUST BOARD

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Nāku iti noa, na

Sonya Hetet

Chief Executive

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26th April 2018

SUBMISSION TO THE TARANAKI REGIONAL COUNCIL'S REGIONAL COASTAL PLAN by TE RŪNANGA O NGĀTI MUTUNGA

Tena Koe Basil

On behalf of Te Rūnanga o Ngāti Mutunga we would like to thank you for this opportunity to provide comment on the Taranaki Regional Council's Proposed Regional Coastal Plan.

Te Rūnanga o Ngāti Mutunga Area of Interest for the Taranaki Regional Councils Proposed Coastal Plan:

Te Rūnanga o Ngāti Mutunga Claims Settlement Act 2006 recognises the Coastal area of the Ngāti Mutunga rohe as being from Titoki Ridge in the north to the true right bank of the Waiau stream in the south and offshore out to 12 nautical miles.

The following Statutory Acknowledgement areas are recognised in the above Act and are part of the area effected by the Taranaki Regional Council's Proposed Coastal Plan;

- Statutory Acknowledgement for Coastal Marine Area adjoining the area of interest
- Statutory Acknowledgement for Part of Mimi-Pukearuhe Coast Marginal Strip
- Statutory Acknowledgement for Waitoetoe Beach Recreation Reserve
- Statutory Acknowledgement for Onaero River
- Statutory Acknowledgement for Urenui River
- Statutory Acknowledgement for Mimi River

General matters in relation to the Plan:

Notification as an affected party to any activities within the coastal area within the Ngāti Mutunga boundary.

Te Rūnanga o Ngāti Mutunga require that iwi are notified as an affected party to any activities occurring within, adjacent to, or impacting directly on Statutory Acknowledgements (as recognised in the Ngāti Mutunga Claims Settlements Act 2006) and historic heritage sites in the coastal marine area as identified in Schedule 5.

Representatives of Ngāti Mutunga and other iwi met with the Taranaki Regional Council in October of last year in order to try and clarify the issue of affected party status. At the meeting iwi representatives understood that the Council had agreed to iwi being notified to any activities occurring within, adjacent to, or impacting directly on sites of cultural significance in the coastal marine area of Statutory Acknowledgement Areas. However a letter we received from the Taranaki Regional Council later in October showed that this was not the Council's understanding of what had been agreed to. (TRC Document 195117, B G Chamberlain to Paul Cummings, 30 10 2017)

Te Rūnanga o Ngāti Mutunga are wishing to achieve clarity about what criteria the Taranaki Regional Council Planners will use to identify affected parties for the rules outlined in this plan. We see that our ability to respond appropriately to the Council's requests for comments on Resource Consents applications is a key part of ensuring that the Coastal Plan works well to protect the values, cultural resources and sites of significance for Ngāti Mutunga in the coastal area.

We are happy to meet with the Taranaki Regional Council to work on this issue in the future as we think it is important that both Iwi and the Council continue to try and resolve this.

Specific matters in relation to the Plan

Section 1 - Introduction

Guiding principles for the management of the coast

- a) Te Rūnanga o Ngāti Mutunga ask that Māori cultural values or guiding principles are stated at the forefront of the Plan. This will provide the foundation for this plan and set the tone for the Taranaki Regional Council's relationship with Tangata Whenua.

Te Rūnanga o Ngāti Mutunga were generally happy with the guiding principles that appeared in the draft version of the plan although we would wish to see them better reflected throughout the plan – most importantly in the Section 8 – The Rules.

Section 2 – Statutory and planning framework

- b) Te Rūnanga o Ngāti Mutunga support the objectives and policies within higher order policy documents that govern the conduct of the Plan, those being the RMA, New Zealand Coastal Policy Statement 2010, Marine and Coastal Area (Takutai Moana) act 2011, Resource Management (Marine Pollution) Regulations 1998 and other legislation.

We would ask that the various Iwi Settlement legislation and Iwi Environmental Management Plans be added to this part of the Plan. Specifically we would like the Ngāti Mutunga Claims Settlements Act (2006) and the Ngāti Mutunga Iwi Environmental Management Plan referenced in Section 2

Section 3 – Coastal management 3.1

Taranaki coastal environment

- c) Te Rūnanga o Ngāti Mutunga support the discussions on the coastal environment which include: coastal water quality, appropriate use and development, natural and historic heritage, tangata whenua values and relationships, public amenity and enjoyment and coastal hazards.

Integrated Management – the aim to achieve integrated management of the coastal marine area is important to Ngāti Mutunga. We have included it as one of our main objectives and policies for the Takutai in the Ngāti Mutunga Iwi Environmental Management Plan as follows:
General Objective: *Ensure that the coast is managed in an integrated way which recognises the cultural values of Ngāti Mutunga and the impacts of land use on coastal areas.*

General Policy 3: *Encourage integrated management of the coast. This requires understanding and considering the effects of land based activities on the coastal environment.*

It is best summarised in the following saying from a Ngāti Mutunga Kaumatua:

"We just need to look after the land, then the land and trees will look after the river, and the rivers will look after the sea"

Although we are happy with the articulation of this issue in the Coastal Management Overview section of the plan we are not convinced integrated management is reflected in the rules of the plan.

3.2 Managing the Taranaki coastal environment

d) Te Rūnanga o Ngāti Mutunga support how the Taranaki Regional Council intend to manage the Taranaki Coastal environment as outlined in sections 1-7, however require that the following underlined wording is added to section 6:

Section 6: Ensuring people can continue to access, use and enjoy the Taranaki Coast where cultural and ecological values are not adversely impacted upon.

Section 4 – Objectives

e) Te Rūnanga o Ngāti Mutunga support *the Objectives* for managing Taranaki's coastal environment, however ask that the following underlined wording is added to Objective 12:

*Objective 12: Public use and enjoyment
People's use and enjoyment of the coastal environment, including amenity values, traditional practices and public access to and within the coastal environment is maintained and enhanced without adversely impacting on cultural and environmental values.*

(f) Section Two Policies:

Te Rūnanga o Ngāti Mutunga in general support the updated and expanded policies in the proposed plan and think they represent an increased awareness of the threats that face the coastal environment of Taranaki. We are not convinced however that the improved policies are adequately reflected in the changes and updates made to the rules in this current draft of the Plan. We ask that the following changes are made to the Policies listed below:

Policy	Current wording	Relief sought:	Reason for change being sought:
Policy 1: Coastal Management Areas	<i>Additions sought to:</i> <i>(b) Estuaries Unmodified and</i> <i>(c) Estuaries Modified</i>	Ask for the addition of: <u>'valued by Maori for Mahinga Kai'</u> (to descriptions for estuaries)	This was in the original wording of this policy and we would like it to be reinstated as estuaries contain some of the most valuable mahinga kai sites within Ngāti Mutunga
Policy 5: Appropriate Use and development of the coastal environment	<i>Reinstate Section 5 (d) from original plan:</i>	Ask that the following phrase be reinstated from draft plan with the removal of the word significant as indicated below: <i>'avoiding, remedying or mitigating adverse effects on the values and attributes of coastal areas of outstanding value, significant indigenous biodiversity and significant historic heritage and significant amenity values in accordance with policies 8,11,12 and 15.</i>	We thought this was an important part of the original wording in this policy and would like it to be reinstated. We do not see the need to qualify historic heritage or amenity values by adding the word significant before them and think this policy would enable both to be have stronger protection if this was removed.
	<i>Policy 5.1</i> <i>"implementing policies under section 5.1 of the Plan in managing the effects of activities (positive and negative) undertaken in the coastal marine area on significant values and characteristics of the wider coastal environment;</i>	Ask for the replacement of negative with <u>adverse</u>	Clearer understanding of meaning of adverse use in planning and makes it consistent with other wording in this plan.
	<i>Policy 5(j)(iii)</i> <i>'the efficacy of measures to avoid, remedy or mitigate such effects, or provide environmental compensation where effects cannot be <u>avoided</u>, remedied or mitigated.'</i>	Ask that the word <u>avoided</u> be added before remedy.....	Would be preferable to have consistent wording throughout the wording of this policy.

Policy	Current wording	Relief sought:	Reason for change being sought:
Policy 9 – Natural Character	Section (a) (vi) <i>"maintain the integrity of historical heritage"</i>	Ask that cultural be added to Section (a) (vi) – <i>Maintain the integrity of historical and <u>cultural</u> heritage</i>	Would create more consistent wording throughout the policy section and reflect the values attached to the sites of significance in Schedule 5B.
		Ask that an addition section along the lines of the definition of Natural Character as outlined in the National Coastal Policy: (b) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as: I. Natural elements, processes and patterns; II. Biophysical, ecological, geological and geomorphological aspects; III. Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks: IV. The natural movement of water and sediment: V. The natural darkness of the night sky: VI. Places or areas that are wild or scenic: VII. A range of natural character from pristine to modified and VIII. Experiential attributes, including the sounds and smell of the sea; and their context or setting.	We feel that the addition of this section would bring the policy in line with the National Coastal policy and add depth to the definition of Natural Character as protected in the plan

Policy	Current wording	Relief sought:	Reason for change being sought:
Policy 11 Coastal water	<i>Maintain and enhance coastal water quality by avoiding, remedying and mitigating the adverse effects of activities on:</i> <i>(b) the mouri and wairua of coastal water</i>	No changes sought	Te Rūnanga o Ngāti Mutunga support the addition of this policy and specifically section (b). This addition will enable the Taranaki Regional Council to better recognise the kaitiakitanga role that Ngāti Mutunga and other hāpu and iwi wish to fulfil in the coastal environment.
Policy 14 Indigenous Biodiversity	<i>Section 14 (a)</i> <i>Avoiding adverse effects of activities on:</i>	Ask for the addition of the following section: <i>(vii) <u>Taonga species as identified by tangata whenua</u></i>	This will enable the plan to recognise the importance to hāpu and iwi of protecting Taonga species to maintain and enhance indigenous biodiversity in Taranaki
	.	Ask for the addition of a further section to this policy along the lines of: c) <u>recognise and provide for the role of tangata whenua as kaitiaki, when identifying and managing significant areas of indigenous biodiversity in the Coastal area</u>	The Draft National Policy Statement on Indigenous Biodiversity outlines that any regional plan must take into account tangata whenua role as kaitiaki when assessing indigenous biodiversity: (Policy 7)
Policy 15 Historic Heritage	<i>Policy 15 (b)</i> <i>Avoiding significant adverse effects and avoiding, remedying and mitigating other adverse effects on the associated values..</i>	Ask for the removal of significant	Removal of significant strengthens this ability of this policy to be used to protect the sites of significance to Maori as listed in Schedule 5 (b)

Policy	Current wording	Relief sought:	Reason for change being sought:
Policy 16 Relationship with Tangata Whenua	<i>Policy 16 (a)</i> <i>Taking into account any relevant iwi planning document</i>	<p>Ask for the addition of the following phrase: <i>... <u>and consider providing practical assistance to iwi or hāpu who have indicated a wish to develop iwi/hāpu resource management plans</u></i></p> <p>Ask that the following sections are added to this policy:</p> <p><i>(K) <u>The Council ensures the active involvement of the appropriate iwi/hāpu in management of the coastal environment when activities may affect their interests and values.</u></i></p> <p><i>(I) <u>provide for opportunities for iwi/hāpu to exercise kaitiakitanga over waters, forest, lands and fisheries in the coastal environment through such measures as:</u></i></p> <ul style="list-style-type: none"> <i>I. <u>Bringing cultural understanding to monitoring of natural resources</u></i> <i>II. <u>Providing appropriate methods for the management, maintenance and protecting of the Taonga of tangata whenua</u></i> <i>III. <u>Having regards to regulations, rules or bylaws relating to ensuring sustainability of fishing resources such as taiapure, mahinga mataitai or other noncommercial Maori customary fishing</u></i> 	<p>This would strengthen this policy and bring it into line with the National Coastal Policy statement – specifically Policy 2 The Treaty of Waitangi, Tangata Whenua and Maori heritage.</p>

Policy	Current wording	Relief sought:	Reason for change being sought:
Policy 16 cont:		<i><u>m) Where proposals are likely to have an adverse effect on the mauri of the coastal environment, the Council shall consider imposition of consent conditions that incorporate the use of mātauranga Māori based methods or cultural indicators that recognise and express Māori values to monitor the effects of the activity on the mauri of the natural and physical resources of the coastal environment</u></i>	
Policy 17	17 section (b) <i>Promoting the enhancement or restoration of public access including for the connection of public open space, access to mahinga kai, access to sites of historical and/or cultural importance improving outdoor recreation...</i>	Ask that the following underlined phrase be removed from (b) <i>Access to mahinga kai, access to sites of historical and/or cultural importance</i>	Te Rūnanga o Ngāti Mutunga do not support the promotion of public access to all of the iwi's sites of significance as detailed in Schedule 5(b)
Policy 22: Discharge of water or contaminants to coastal waters	Discharges of water or contaminants to water in the coastal marine area will	Ask that will be changed to <u>must</u> .	We would like this policy to be stronger in line with the Ngāti Mutunga policy of not supporting the discharge of any contaminated water, waste water or contaminates into another water body as outlined in the Ngāti Mutunga Iwi Environmental Management Plan (Te Puna Waiora – Water quality Section, Objective 12)

Policy	Current wording	Relief sought:	Reason for change being sought:
Policy 23	<i>Discharges of untreated human sewage to coastal water will not be allowed.</i>	No changes sought	<p>Te Rūnanga o Ngāti Mutunga would like to strongly support this policy as it is in line with the Ngāti Mutunga Iwi Environmental Management Plan (Te Puna Waiora – Water quality Section, Objectives 11 and 12) These objectives are:</p> <p>11 <i>Oppose any point source or indirect discharge of human effluent to water</i></p> <p>12. <i>Oppose the use of water as a receiving environment for contaminants. This includes treated wastewater, even though it may be ‘clean’, the discharge may still be culturally unacceptable. Diluted contaminants are still contaminates, which harm the mouri and wairua of water.</i></p>
Policy 24: Discharges of treated wastewater containing human sewage	<i>Discharges of treated wastewater containing human sewage to coastal water will only occuretc</i>	<p>Ask that this be changed to:</p> <p><u>Discharges of treated wastewater containing human sewage will not be allowed.</u></p>	<p>Te Rūnanga o Ngāti Mutunga does not support the disposal of either treated or untreated human sewage to any water body due to the effect that this will have on the mouri and wairua of the receiving water body.</p> <p>As outlined in the Ngāti Mutunga Iwi Environmental Management Plan only support the discharge of any contaminated wastewater to land. (Te Puna Waiora – Water quality Section, Objectives 11 and 12 p 57 – outlined above)</p>

Policy	Current wording	Relief sought:	Reason for change being sought:
Policy 25: New discharges of wastewater containing human sewage	<i>New discharges of treated wastewater containing human sewage will not occur in the coastal management areas: Outstanding value, Estuaries Unmodified, Estuaries Modified and Port</i>	Ask that the wording be changed as follows: <u>New discharges of treated wastewater containing human sewage will not be allowed</u>	As above
Policy 26; Improving existing wastewater discharges	<i>(b) in the case of existing consented wastewater overflows.....</i>	No changes sought	Te Rūnanga of Ngāti Mutunga strongly support the part of this policy that allows for no additional consents for this activity will be granted. However we would ask the Taranaki Regional Council to work with the current consent holders in particular the New Plymouth District Council to see if this could occur within the <u>shortest possible time</u> rather than allowing it to occur until the end of the current consent – which in the case of the NPDC Coastal Permit for discharge via the outfall at Waitara is not until 2041 (Consent – 7861 – 1)
Policy 27: Discharge of Storm Water	Addition of section sought after existing section (v)	Ask for the addition of: (vi) <u>Location of discharge in relation to sensitive areas</u>	
Policy 29: Impacts from offshore petroleum drilling and production	<i>Activities associated with petroleum drilling and production in the coastal marine area will be managed to avoid, remedy or mitigate adverse environmental effects associated with accidental discharges by ensuring</i>	Ask that accidental is replaced with <u>any</u>	

(g) Section 8 Regional Rules:

As outlined above we do not feel that the Objectives and Policies (Sections 4 and 5) of the plan are adequately reflected in the current wording of the rules and it is the rules that will set the standard for the way people in Taranaki will behave in the coastal environment

We request the following changes to the rules as outlined below:

Rule	Current wording or classification	Relief Sought:	Reason for change being sought:
Rule 1 Storm water discharge	<i>(b) conveys stormwater from industrial or trade premises that: (i) cover a total area of 2 ha or less</i>	Remove section (i) cover a total area of 2 ha or less from the activity description	Any stormwater discharge from an industrial or trade premises should be monitored for its possible adverse effects on the environment – this is not necessarily effected by the size of the trade or industrial premises.
	<i>Permitted for all areas other than the Port</i>	Ask that this be changed to <u>discretionary</u> for the coastal management areas of <u>Outstanding Value, Estuaries Unmodified and Estuaries Modified</u>	We would like to be able to be part of the decision making where stormwater is being discharged into these three coastal management areas due to their importance to Ngāti Mutunga and others. We are not convinced that even with the conditions listed that there is not a possibility of contamination of the water in these areas when stormwater discharges are allowed as a permitted activity.
	<i>(i) The discharge does not render marine organisms unsuitable for human consumption within recognised mātaihai resources</i>	Ask that the underlined section be removed: within recognised mātaihai resources	Due to difficulties of mapping all of the mātaihai areas within the Ngāti Mutunga rohe we would like this condition to cover all marine organisms.
	<i>(k) The discharge does not cause the natural temperature to be changed by more than 3 degrees from normal seasonal water temperature fluctuations after reasonable mixing</i>	Ask that the following phrase be added to this condition (k): <i>The discharge does not cause the natural temperature to be changed by more than 3 degrees from normal seasonal water temperature fluctuations after reasonable mixing <u>or any changes that cause it to exceed 25 degrees Celsius</u></i>	This is in line with other coastal plans such as the Regional Coastal Environment Plan for the Canterbury Region. We support setting an upper temperature limit to the increase any discharge can have on water temperature due to the detrimental effect this can have on marine life.

Policy	Current wording or classification	Relief sought:	Reason for change being sought:
Rule 5 – untreated Human Sewage discharge		<u>No changes sought – support this rule as it is stated</u>	We would like to support this rule with its current wording as it is in line with the Ngāti Mutunga Iwi Environmental Management Plan (Te Puna Waiora – Water quality Section, Objectives 11)
Rule 6 Waste Water treatment plant discharges – existing	<i>Allowing for continuation of existing wastewater discharge containing treated human sewage – Discretionary Activity</i>	Ask that this activity be changed from being a discretionary activity to being prohibited	<p>As stated in the policy section above Te Rūnanga o Ngāti Mutunga does not support the disposal of either treated or untreated human sewage to any water body due to the effect that this will have on the mouri and wairua of the receiving water body.</p> <p>As outlined in the Ngāti Mutunga Iwi Environmental Management Plan only support the discharge of any contaminated wastewater being made to land. (Te Puna Waiora – Water quality Section, Objective 11)</p> <p>We would like to see the Regional Council work with the New Plymouth District Council to investigate alternative disposal to land of the wastewater from the New Plymouth District Council’s Treatment station at Waiwakaiho before the end of the current consent in 2041. (Disposal to the coastal area currently allowed under consent 0882 - 4 via the pipeline at Waiwakaiho).</p>
Rule 7 Waste Water treatment plant discharges – new	<i>New wastewater discharge that contains treated human sewage into the Open Coast</i>	Ask that this activity be changed from being a discretionary activity to prohibited	Explanation for change as described above

Policy	Current wording or classification	Relief sought:	Reason for change being sought:
Rule 8 Waste Water treatment plant discharges - new	<i>New wastewater discharge that contains treated human sewage into the Outstanding Value, Estuaries Unmodified, Estuaries Modified and Port Coastal Management Area</i>	<u>No changes sought – support this rule as it is currently stated</u>	We would like to support this rule with its current wording as it is in line with the Ngāti Mutunga Iwi Environmental Management Plan
Rule 12: Seismic surveying and bathymetric testing	<i>Currently activity is permitted in all but coastal areas of outstanding value</i>	Ask that this be changed to a <u>discretionary activity</u> for <u>all coastal management areas</u>	Ngāti Mutunga would like to be able to be consulted about this activity in some areas and at some times of year in order to protect taonga species such as korora from the effects of seismic surveying.
	<i>(a) Survey complies with 2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations or any subsequent applicable Code of Conduct.</i>	Ask that the following phrase be deleted: or any subsequent applicable Code of Conduct.	Our understanding is that as the Plan has included a document by reference it would require a plan change to enforce any update
Rule 22: Network Utility Structure erection or placement...	<i>Currently this activity is Controlled for all the Coastal Management Areas other than the port</i>	Ask that this be changed to a <u>discretionary activity</u> for <u>all coastal management areas</u>	Ngāti Mutunga would like to be able to be consulted about this activity as it requires the excavation of the foreshore and seabed and may involve the longterm occupation of the coastal area. We would ask that this is changed from being a controlled activity to being a discretionary one which would ensure the opportunity for Ngati Mutunga and others to be involved in the decision making/Resource Consent process and also in monitoring of this activity if necessary.

	Current wording or classification	Relief sought:	Reason for change being sought:
Rule 24: Erection or placement of structure used for whitebaiting	<i>Prohibited in all Coastal Management Areas</i>	<u>No changes sought – support this rule as it is currently stated</u>	We would like to support this rule with its current wording as it is in line with the Ngāti Mutunga Iwi Environmental Management Plan. We see this rule as providing protection to important mahinga kai areas for the iwi and others.
Rule 26: Exploration or appraisal well drilling	<i>Classification of being a controlled activity in the open coast and port area</i> ...	Ask that this be changed from a controlled to a <u>discretionary</u> activity in these two coastal management areas	We ask that due to possible impacts of this activity on the values that Ngāti Mutunga wish to protect in the coastal area that this becomes a discretionary activity which will ensure that the Iwi is able to be involved in the decision making/resource consent process.
	<i>(c) Drilling is not undertaken within any site identified in Schedule 5 (Historic Heritage)</i>	Ask that the following wording be adopted be replacing within with the following phrase: (b) Drilling is not undertaken <u>in the airspace above any site and to the centre of the earth below any site identified in Schedule 5</u>	This would provide clarity about how this activity would affect the wairua and mouri of any of the sites Ngāti Mutunga has asked to be protected in Schedule 5.
	<i>(e) Drilling is undertaken at least 2,000 m from the line of mean high water springs ...</i>	<i>(f) Drilling is undertaken at least 2,000 m <u>6,000 m</u> from the line of mean high water springs ...</i>	There are important breeding grounds for koura and other Taonga species for Ngāti Mutunga within 6 km of the coast which have not been able to be mapped or protected during the preparation of this Plan.
Rule 28: Exploration or appraisal well drilling	<i>Non-complying in Outstanding value, Estuaries Modified and Estuaries Unmodified coastal management areas</i>	<u>No changes sought – support this rule as it is currently stated</u>	We would like to support this rule with its current wording as it is in line with the Ngāti Mutunga Iwi Environmental Management Plan and would protect the estuaries of the Urenui, Mimi and Onaero rivers which contain mahinga kai and cultural sites important to the Iwi

	Current wording or classification	Relief sought:	Reason for change being sought:
Rule 29: Petroleum production installation	<i>Discretionary Activity on Open Coast and Port coastal management areas – no conditions listed</i>	Seek the addition of the conditions listed for Rule 26 with the alteration from 2,000 m to 6,000 m as outlined for that rule.	We were not clear from reading the plan if there were any conditions associated with this activity.
Rule 30: Petroleum production installation	<i>Non Complying in Estuaries and Outstanding value coastal management areas</i>	<u>No changes sought – support this rule as it is currently stated</u>	We would like to support this rule with its current wording as it is in line with the Ngāti Mutunga Iwi Environmental Management Plan and would protect the estuaries of the Urenui, Mimi and Onaero rivers which contain mahinga kai and cultural sites important to the Iwi
Rule 48: Continued occupation of by an existing lawfully established structure	<i>Additional conditions sought:</i>	Ask that the following conditions be added: (a) <u>the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 (Historic Heritage)</u> (b) <u>the activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A</u>	Te Rūnanga o Ngāti Mutunga would like our significant sites and also those of ecological importance to be specifically protected from any adverse effects of this activity

Policy	Current wording or classification	Relief sought:	Reason for change being sought:
Rule 51: Clearance of outfalls, culverts and intake structures	<i>Additional conditions sought</i>	Ask that the following additional conditions be added: (f) <u>the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 (Historic Heritage)</u> (g) <u>the activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A</u>	Te Rūnanga o Ngāti Mutunga would like our significant sites and any areas of ecological importance to be specifically protected from any adverse effects caused by this activity
Rule 54: Burial of Dead animals	<i>(b) the activity does not occur at any site identified in 6B (Sites of significance to Maori ...</i>	Change sought – replace 6B with <u>5B</u>	We would like to support this rule (with the minor correction described) as it is in line with the Ngāti Mutunga Iwi Environmental Management Plan
Rule 57: Beach replenishment	<i>Additional conditions sought</i>	Ask that the following conditions be added: (c) <u>the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 (Historic Heritage)</u> (d) <u>the activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A</u>	Te Rūnanga o Ngāti Mutunga would like our significant sites and also those of ecological importance to be specifically protected from any adverse effects of this activity

Policy	Current wording or classification	Relief sought:	Reason for change being sought:
Rule 59: Introduction of any exotic plant onto the foreshore or seabed	<i>Non-Complying in Outstanding value and estuaries unmodified coastal Management Areas</i>	<u>No changes sought – support this rule as it is currently stated</u>	We would like to support this rule with its current wording as it is in line with the Ngāti Mutunga Iwi Environmental Management Plan
Rule 60: Other disturbance, destruction	<i>Discretionary activity in Estuaries modified, Open Coast and Port Coastal Management Area</i>	Ask that this be changed to a non-complying activity for the Open Coast and Estuaries Modified Coastal Management Areas specifically for the: <u>Removal of more than 0.5m x3 of sand, shingle, shell or other natural material by any person or company in a 12 month period</u>	We would like this rule to safeguard against the commercial removal of sand, shell, shingle or other natural material from any part of the Taranaki Coast covered by this Plan
Rule 63: Reclamation and draining of the foreshore or seabed that does not come within or comply with Rule 62	<i>Additional conditions sought</i>	Ask that the following conditions be added: (a) <u>the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 (Historic Heritage)</u> (b) <u>the activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A</u>	Te Rūnanga o Ngāti Mutunga would like our significant sites and also those of ecological importance to be specifically protected from any adverse effects of this activity
Rule 64: Reclamation and draining of the	<i>Prohibited activity in Outstanding Value and Estuaries unmodified coastal management areas</i>	<u>No changes sought – support this rule as it is currently stated</u>	We would like to support this rule with its current wording as it is in line with the Ngāti Mutunga Iwi Environmental Management Plan

Policy	Current wording or classification	Relief sought:	Reason for change being sought:
Rule 65: Taking or use of coastal water or taking or use of any heat or energy from coastal water, excluding water in estuaries.	<i>Permitted activity in the Outstanding Value, Open Coast and Port Coastal Management Areas</i>	Ask that Outstanding Value coastal management area be removed from this rule Ask that the following conditions be added: <ul style="list-style-type: none"> (a) <u>the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 (Historic Heritage)</u> (b) <u>the activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A</u> (c) <u>Taking or use of water is not at a quantity or rate that would cause adverse environmental effects</u> 	We understand that taking and use of coastal water is permitted under Section 14 of the RMA but we do not see that this should apply in an area identified as being of Outstanding value. We also ask that the Taranaki Regional Council impose a limit on the amount of water taken from the Open Coast so as to prevent the take of water for commercial activities.
Rule 66: Taking of water...	<i>Discretionary activity in all coastal management areas</i>	Ask that the following conditions be added: <ul style="list-style-type: none"> (g) <u>the activity does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 (Historic Heritage)</u> (h) <u>the activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A</u> (i) <u>Taking or use of water is not at a quantity or rate that would cause adverse environmental effects</u> 	

Permitted activities conditions:

Ngāti Mutunga have a concern with the number and complexity of conditions associated with some of the activities that are listed as being permitted – we feel that any permitted activities should be able to be described simply and feel that some of these activities may be better managed as discretionary or controlled to ensure that the associated conditions are fully understood and can be monitored by the Council.

Some of the permitted rules require the person to contact the Taranaki Regional Council between 1 – 5 days before commencing the activity. We are not sure what the process would be if the activity was found not to be compliant with the conditions at this stage due to the tight timeframes involved. It would not seem to give the Council time to access and address any non-compliance issues. We feel that this would be better managed and monitored through the consent process which provides for longer timelines and means that Iwi/hāpu can be involved in the decision making process and subsequent monitoring if this is appropriate.

Our concerns apply to the following rules.

Rule 18	Outfall structure placement - Requires TRC to be notified one working day before activity
Rule 20	Mooring structure placement - Requires TRC to be notified five working days before activity
Rule 38	Structure removal and replacement - Requires TRC to be notified – five working days before activity
Rule 51	Clearance of outfalls, culverts and intake structures

Relief sought: That these activities become discretionary so that iwi and hāpu can be involved in the decision making process.

(h) Schedule 5B – Sites of significance to Maori and associated values:

Te Rūnanga o Ngāti Mutunga appreciate the opportunity to have our sites of significance included in Schedule 5 of the Taranaki Regional Council Proposed Coastal Plan. We feel that the schedule and the references to the schedule in the conditions set out in the rules section of the Plan gives our sites an increased level of protection. We also appreciate the amount of detail about the sites and their values that the Council has included in Schedule 5B.

We feel that this will go a long way to enabling both the Taranaki Regional Council and the public of Taranaki to understand the importance of these sites to Ngāti Mutunga and therefore enable them to be better recognised and protected.

We have supplied maps with some additional sites of significance to this submission - which we would like to be added to the schedule (A digital version of is available if required). The descriptions of the additional sites and their values have been added to the Ngāti Mutunga part of Schedule 5B as detailed below – (the additional section in the description of the sites in the Coastal marine area has highlighted.)

(i) Support for Te Kotahitanga o Te Atiawa Submission

Te Rūnanga o Ngāti Mutunga is not directly affected by the activities of the New Plymouth Port as it is outside our rohe. We would however like to support the submission made by Te Kotahitanga o Te Atiawa about the rules and policies that are about activities within the Port Area – Specifically this is for the changes asked by Te Kotahitanga o Te Atiawa to the following rules:

Rule 4 Petroleum dispersant in Port area	Relief sought – change from a permitted activity to a discretionary
Rule 9 Sampling and cleaning biofouling in Port Area	Relief sought – change from Permitted to Controlled
Rule 23 Port Launching, mooring or berthing	Relief sought – change from Controlled to discretionary
Rule 39 Ports wharves and breakwaters	Relief sought – change from Permitted to Controlled
Rule 40 Ports wharves and breakwaters	Relief sought – change from Controlled to discretionary
Rule 41 Ports launching mooring or berthing	Relief sought – change from Controlled to discretionary

(j) We wish to speak to this submission

Nga mihi

Ngāti Mutunga

The traditions of Ngāti Mutunga illustrate the cultural, historical and spiritual association of Ngāti Mutunga and the coast. For Ngāti Mutunga, these areas represent the links between Nga Atua, the tūpuna and present and future generations. This history and relationship reinforces tribal identity, connections between generations and confirms the importance of the coast to Ngāti Mutunga.

Food can be gathered all along the shoreline from the coastal Whakarewa pa by Papatiki stream in the north to the Waiau stream in the south, depending on the tides, weather and season. The coastline provided Ngāti Mutunga tūpuna with most of the resources they needed to survive.

Reefs and sandy shallows off the coast provided Koura, Pāua, Kina, Kūtae/Kuku, Tipa, Pūpū, Pāpaka, Tuatua, oti, and many other species of kaimoana. Hāpuku Moki, Kanae, Mako, Pātiki and Tāmure swam in great numbers between the many reefs which can be found stretching out into the waters of Nga Tai a Kupe and along the Ngāti Mutunga coastline. Ngāti Mutunga tūpuna knew and named the fishing grounds and reefs, including Pakihi, Maruehi, Onepoto, Waitoetoe, Waikiroa, Paparoa, Kukuriki and Owei.

The high papa cliffs are an important feature of the coast. These cliffs are broken where the Mimitangiatua, Urenui, Onaero and Waiau rivers flow through to wai-ki-roa. Ngāti Mutunga used ledges hewn in the cliffs to fish for Mako, Tāmure, Kahawai and Ara Ara (trevally). These cliffs also provided plentiful supplies of seabirds including Titi and karoro.

Ngāti Mutunga, continue to exercise their customary rights on the coastline throughout the rohe, in particular food gathering according to the tikanga and values of Ngāti Mutunga. Throughout the years Ngāti Mutunga has exercised custodianship over the coast and has imposed rahui when appropriate, for example restricting the harvest of Kutae, Pipi, Tuatua and

other kaimoana. This kaitiaki duty to manage coastal resources sustainably has always been at the heart of the relationship between Ngāti Mutunga and the coast.

There are many sites of cultural, historical and spiritual significance to Ngāti Mutunga along the coast. These include Pihanga (originally the home of Uenuku), Maruehi (the pā of Kahukura) and Kaweka (the birthplace of Mutunga) which are situated on cliffs near the mouth of the Urenui River. Oropapa and te Mutu-o-Tauranga are situated on the coast north of the Urenui river. Pukekohe, Arapawanui, Omihi and Hurita are near the Mimitangiatua estuary and Ruataki, Pukekarito, Whakarewa and Titoki are near Wai-iti.

Ngāti Mutunga people were often cremated, rather than buried in urupa. Many of the points jutting out into the sea along the Ngāti Mutunga coastline are tapu because they were sites used for this ritual. Many Ngāti Mutunga tūpuna also lie buried along the coast.

Ngāti Mutunga have many stories relating to the coastal environment. The whakataūāki “ka kopa, me kopa, ki te ana o Rangitotohu”) remembers a taniwha, who protects the Taranaki coastline. If a person was to violate rahui or act disrespectfully when fishing or gathering kaimoana they would be snatched and drawn into his cave. Other taniwha are also known from the Ngāti Mutunga coast.

Along the beaches there are a number of tauranga waka. These have special significance for Ngāti Mutunga in their identification with the area as physical symbols of historical association. The presence and number of the Tauranga waka also show the importance of the coastal area as a means of transport.

Note: In addition to the values shown in the following table the values of kaitiakitanga and mouri also apply to all sites. All values are addressed through the policies within this Plan and will be further considered through consenting processes.

Rohe	Area	Commentary	Sites of significance to Māori within the CMA			Values associated with sites	Map reference
			TRC Number	NZAA Number	Description		
Ngāti Mutunga	Coastal Marine Area	<p>Coastal area adjacent to the land from Titoki ridge (Whakarewa pā site) to right bank of Waiau Stream</p> <p>The resources found along the coast of Nga Tai a Kupe have, since time immemorial provided the people of Ngāti Mutunga with a constant supply of food resources</p> <p>Ngāti Mutunga developed a number of different ways of preserving these resources for later consumption, using every part of the fish. This tradition has survived and continues to be used by Ngāti Mutunga as a form of aroha koha at special hui.</p> <p>Ngāti Mutunga has and continues to exercise, its customary rights on the coastline from Titoko ridge/Whakarewa Pā in the north to Waiau in the south. Ngāti Mutunga iwi and whanau have, and continue to, gather food according to the values and tikanga of Ngāti Mutunga.</p> <p>There remain important kaitiaki links to the pātiki, koura and tāmure breeding grounds, as well as other fish resources.</p> <p>Another one of the Kaitiaki responsibilities that Ngāti Mutunga traditionally fulfilled and have continued to the present day is to protect the mouri of the coast and rivers – this is highlighted in the following whakatauki – <i>‘Ka takahia noatia te mouri o te moana’</i>.</p> <p>Lest the sea’s potency be defiled needlessly.</p> <p>Ngāti Mutunga has exercised custodianship over the Coastal Marine Area by imposing rahui when appropriate, restricting the taking of Kūtae, pipi, tuatua and other kaimoana. Proper and sustainable management of the Coastal Marine Area has always been at the heart of the relationship between Ngāti Mutunga and the Coastal Marine Area.</p>	B1	Q18/4	Whakarewa Pā/Ururūpā	Wairuatanga Historic site	Link Map -
			B2	Q18/8	Ruataki Pā/Ururūpā/Garden		Link Map -
			B3	Q18/9	Pa/Ururūpā		Link Map -
			B4	Q19/31	Pā/Ururūpā		Link Map -
			B5	Q19/33 Q19/9	Arapāwa Pā/Ururūpā - 1		Link Map -
			B6		Arapāwa Pā/Ururūpā - 2		Link Map -
			B7	Q19/327	Arapāwa Pā/Ururūpā - 3		Link Map -
			B11	Q19/3	Whakaahu Pā/Ururūpā		Link Map -
			B12	Q19/26	Pā/Ururūpā		Link Map -
			B13	Q19/4 Q19/13 Q19/321 Q19/322	Pukekohe Pā/Ururūpā		Link Map -
			B14	Q19/312 Q19/315	Pukekohe Pā/Ururūpā/Midden - 2		Link Map -

		B15	Q19/23	Te Mutu o Tauranga Pā/Urupā/Midden		Link Map -
		B16	Q19/5	Oropapa Pā/Urupā		Link

						Map -
	B17	Q19/6	Maruehi Pā/Urupā			Link Map -
	B21		Pā/Urupā			Link Map - -
	B23		Wahapakapaka Urupā/Kainga/Garden			Link Map -
	B26	Q19/172	Otamaringa Pā/Urupā			Link Map -
	B27	Q19/135	Motuwhare Pā/Urupā			Link Map -
	B24	Q19/170	Midden	Historic site		Link Map -
	B25	Q19/171	Midden			Link Map -
	B30		Arapāwa Tauranga Waka	Wairuatanga Access		Link Map -
	B33		Whakaahu Tauranga Waka			Link Map -

		B37		Otamaringa Tauranga Waka		Link Map -
		B32	Q19/309	Urupa	Wairuatanga Historic site	Silent File Contact Council for more information
		?		Reefs – Hī ika – 6 named reefs: Kukuriki Paparoa Waitoetoe Onepoto Maruehi/Maruwehi Pākihi	Access Māhinga kai	
				Fishing ledges/hī ika – 9 remaining sites Inshore fishing areas/mahinga kai areas		
	<p>Mimitangiatua River (Mimi)</p> <p>As with all the Ngāti Mutunga awa, the Mimi river has always been an integral part of the social, spiritual and physical lifestyle of Ngāti Mutunga.</p> <p>The full name of the Mimi River is Mimitangiatua. The river is also known as Te Wai o Mihirau. Mihirau was an ancestress of the Te Kekerewai hapū and was a prominent woman of her time. The name Te Wai o Mihirau is referred to in a Ngāti Mutunga pepeha:</p> <p><i>Mai Te Wai o Mihirau (Mimi River) ki Te Wai o Kuranui (Urenui), koia tera ko te whakararunganui taniwha</i></p>	B9	Q19/2	Arapawanui Pā/Urupā	Wairuatanga Historic site	Link Map -
		B8	Q19/233	Wairoa Kainga	Historic site	Link Map -
		B31		Wairoa Tauranga Waka	Wairuatanga Access	Link Map -
		B38		Mimitangiatua River Mouth	Mahinga kai Whitebaiting Fishing	Link Map -

Ngāti Mutung	<p>There are a number of pā and kāinga located along the banks of the Mimi River. These include Mimi-Papahutiwai, Omihi, Arapawanui, Oropapa, Pukekohe, Toki-kinikini and Tupari. Arapawanui was the pā of Mutunga's famous grandsons Tukutahi and Rehetaia. There were also a number of māra/taupā (cultivations) along the banks of the river.</p> <p>Mimi River and associated huhu (swampy valleys), ngahere (large swamps) and repo (muddy swamps) were used by Ngāti Mutunga to preserve taonga. The practice of keeping wooden taonga in swamps was a general practice of the Ngāti Mutunga people for safekeeping in times of war.</p> <p>To the people of Ngāti Mutunga, all the rivers and their respective valleys are of the utmost importance because of their physical, spiritual and social significance in the past, present, and future.</p> <p>As with the other awa of Ngāti Mutunga, the whole length of the river was used for food gathering.</p> <p>Mouri is a critical element of the spiritual relationship of Ngāti Mutunga whanau to the Mimi River. The Mimitangiatua is of the utmost importance because of its physical, spiritual and social significance in the past, present and future.</p>	B32		Tauranga Ika	Wairuatanga Access	Silent File Contact Council for more information
Ngāti Mutung	Onaero River	B22	Q19/83	Puketapu/Pukemiro Pā/Urupā	Wairuatanga Historic site	Link Map -
	<p>The Onaero River was important to Ngāti Uenuku (also known as Ngāti Tupawhenua). Kaitangata also has a strong association with the Onaero River.</p> <p>The Onaero River and its banks have been occupied by the tupuna of Ngāti Mutunga since before the arrival of the Tokomaru and Tahatuna waka. Ngāti Mutunga people have</p>	B36		Onaero Tauranga Waka	Wairuatanga Access	Link Map -
		B39		Onaero River Mouth	Mahinga kai Fishing Whitebaiting	Link Map -

	<p>used the Onaero River to access waahi tapu along its banks. Puketapu and Pukemiro pā are situated at the mouth of the river. Other pā along the banks of the Onaero River includes Pukemapou, Moerangi, Te Ngaio, Tikorangi, Kaitangata and Ruahine which are all located upstream. Pukemapou was the home of Uenuku's two grandsons Pouwhakarangona and Poutitia. Pourangahau was the name of their famous whata kai.</p> <p>Ngāti Mutunga utilised the entire length of the Onaero River for food gathering. The mouth of the river provided a plentiful supply of pipi, Pūpū, pātiki, kahawai and other fish. Inganga were caught along the banks of the river. Tuna and piharau were caught in the upper reaches of the river.</p> <p>The Onaero River was a spiritual force for the ancestors of Ngāti Mutunga and remains so today. As with the other important awa of Ngāti Mutunga there are specific areas of the Onaero River that Ngāti Mutunga people would bathe in when they were sick. The river was also used for tohi - for instance for the baptism of babies.</p>					
Ngāti Mutun:	Urenui River	B19	Q19/7	Pohukura Pā/Urupā	Wairuatanga Historic site	Link Map -
		B20	Q19/71	Kumara kai amo Pā/Urupā		Link Map -
		B18		Kainga	Historic site	Link Map -
		B34		Pohukura Tauranga Waka	Wairuatanga Access	Link Map -
		B35		Urenui Tauranga Waka		Link Map -
	<p>The Urenui River has been a treasured taonga and resource of Ngāti Mutunga. Traditionally the Urenui River and, in times past, the associated wetland area have been a source of food as well as a communication waterway.</p> <p>The name Urenui derives from Tu-Urenui the son of Manaia who commanded the Tahatuna waka. As an acknowledgement of his mana in the area, Manaia named the area after his son. Upon his arrival the descendants of Pohokura and Pukearuhe were residing in the area. The river was also known as Te Wai o Kura. Kura was the ancestor of the Ngāti Kura hapū who in prior times occupied this area.</p> <p>This name is depicted in the Ngāti Mutunga pepeha:</p>					




		<p><i>Mai Te Wai o Mihirau (Mimi River) ki Te Wai o Kuranui (Urenui), koia tera ko te whakamarunga taniwha</i></p> <p>The Urenui River was referred to as “<i>he wai here Taniwha</i>” this figurative expression was used because of the large number of pā along the banks of the river, including Pihanga, Pohokura, Maruehi, Urenui, Kumarakaiamo, Ohaoko, Pā-oneone, Moeariki, Horopapa, Te Kawa, Pāwawa, Otumoana, Orongowhiro, Okoki, Pukewhakamaru and Tutumanuka. The riverbanks thus became the repository of many kōiwi.</p> <p>Ngāti Mutunga utilised the entire length of the Urenui River for food gathering. The mouth of the river provided a plentiful supply of pipi, Pūpū, pātiki, kahawai and other fish. Inganga were caught along the banks of the river. Tuna and piharau were caught in the upper reaches of the river. Piharau were caught using whakapāru, which was a technique developed by placing rarauhe in the rapids of the river in times of flood.</p> <p>The Urenui River has always been an integral part of the social, spiritual and physical lifestyle of the Ngāti Mutunga people. Mouri is a critical element of the spiritual relationship of Ngāti Mutunga to the Urenui River. Ngāti Mutunga also used the Urenui River for tohi - for instance for the baptism of babies. When members of Ngāti Mutunga were sick or had skin problems they were taken to the river to be healed.</p>	B40		Urenui River Mouth	Mahinga kai Fishing Whitebaiting	Link Map -
Ngāti Mutun:	Wai-iti/Papatiki Stream	This is an area of high historic importance to Ngāti Mutunga and contains some significant pā sites including Ruataki, Pukekarito, and Whakarewa. Regular runanga were held in the area of Wai-iti.	B28		Papatiki Tauranga Waka	Wairuatanga Access	Link Map -
		The Papatiki Stream is located in the area. It is tapu to Ngāti Mutunga because of the way in which it was used by northern invaders after a battle in pre-Pakeha times.	B29		Wai-iti Tauranga Waka		Link Map -
Ngāti Mutun:	Waiau stream	The importance of this stream is that it marks the southwestern boundary of the Ngāti Mutunga rohe with Te Atiawa.					

Ngāti Mutunga Map

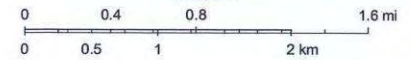


Additional Sites to be added for Schedule 5B for Ngāti Mutunga

Legend:

- Mahinga Kai 
- Hī ika/Reefs 
- Fishing Ledges 

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Taranaki Regional Council




Ngāti Mutunga
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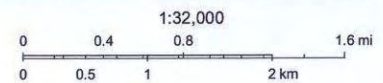
Ngāti Mutunga Map



Additional Sites to be added for Schedule 5B for Ngāti Mutunga

Legend:

- Mahinga Kai 
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Taranaki Regional Council

Ngāti Mutunga
Taranaki Regional Council | NPDC



David Macleod
Chairman
Taranaki Regional Council

Via email: info@trc.govt.nz

Rāhina, 23 Paengawhāwhā, 2018

Proposed Coastal Plan

Tēnā koe David

1. On behalf of Te Korowai o Ngāruahine Trust (TKONT) thank you for the opportunity to provide a submission on the Proposed Coastal Plan. TKONT commends the Council on the thoroughness of the Plan. We would also like to take this opportunity to acknowledge the Policy Team for their continued engagement and recognition of tangata whenua interests in the marine and coastal environment. Overall, TKONT is supportive of the proposed Plan. Our comments and suggestions that follow are therefore provided to further strengthen the protection of the marine and coastal environment.
2. TKONT's interest in the Plan stems from Ngāruahine iwi having a special cultural, spiritual, historical and traditional association with the lands and waters upon which the activities take place. The rohe of Ngāruahine includes approximately 48 kilometres of the South Taranaki coastline, spanning from the Taungatara river in the north to the Waingongoro in the South. As tangata whenua, the iwi shares an intimate cultural, spiritual and historical relationship with the takutai moana. TKONT, as the post-settlement governance entity for Ngāruahine has a responsibility to ensure that the interests of Ngāruahine are safe-guarded. This includes considering the extent to which the proposed activities, may



impact (potential or actual) on the environmental, cultural and spiritual interests of Ngāruahine within its rohe (tribal area); and those areas under statutory acknowledgement and/or Deed of Recognition (Ngāruahine Claims Settlement Act 2016); and the potential or actual risks to the physical, psychological, cultural and spiritual wellness of Ngāruahine (Te Korowai o Ngāruahine Trust Deed). Therefore, TKONT makes submissions to any relevant policy matters within its rohe. This does not prevent the Ngāruahine hapū submitting on their behalf, nor should it be in any way viewed as compromising the mana motuhake of the hapū.

Overview

3. Māori connection to the marine environment is encapsulated in knowledge, beliefs and practices that span lifetimes, it is an unbroken connection. There is a growing body of research about the mātauranga associated with the marine environment. It is crucial that the Regional Council and all resource users grow their knowledge and understanding about what this means. A weaving of this knowledge with the paradigms that dominate conventional resource management thinking will result in greater opportunities to protect the marine and coastal environment for Māori and all New Zealanders for generations to come.
4. The marine and coastal environment is a taonga, and its preciousness to Māori can only be recognised by a Māori world view about kaitiakitanga and mātauranga. Recent research conducted under the Sustainable Seas challenge has investigated how Māori understand kaitiakitanga¹. The findings expressed that mātauranga is expressed through tikanga, karakia, whakapapa, waiata and chants, traditions, whakatauki and pēpeha and expressions of kaitiakitanga (p.132). Furthermore they detail the significance of creation and connection narratives: whakapapa, whanaungatanga and kinship, beliefs and values, and kaitiakitanga which embraced obligations, custodianship, stewardship, tino

¹ Jackson, A.M, Mita, N, and Hakopa, H. (2017). Understanding kaitiakitanga in our marine environment. Dunedin: Te koronga; University of Otago.



rangatiritanga, traditional practice (such as rahui), conservation, protection, ownership and usage rights. This inalienable connection highlights the extent to which Maori need to be a driving force in determining the management of the coastal and marine environment. Within the conclusions to the report, the authors outline a range of outcomes that can serve as a measure for kaitiaki. TKONT suggests that these are a useful tool by which the Coastal Plan objectives and rules can be measured:

- a. Control, by Māori of environmental management in respect of taonga;
- b. A partnership model that affords kaitiaki a strong voice in decision making, whilst also allowing space for other voices;
- c. Affording appropriate priority to kaitiaki interests, where decisions are made by third parties; and
- d. A system that is transparent and fully accountable to kaitiaki and the wider community (pp.134-5).

General Observations

5. TKONT believes that the Plan has made a genuine attempt to provide for the cultural wellbeing of tangata whenua in regards to their role as mana whenua and kaitiaki of the marine and coastal environment. We do however suggest that further protections can be made to recognise and provide for kaitiakitanga, tikanga, protection of taonga and customary values. It is our genuine belief that cultural recognition could be better achieved if a mātauranga approach was woven throughout the plan. In practice this means recognising and providing for the way that Māori connect to and understand the marine environment and working in partnership with Māori as kaitiaki to develop indicators of cultural health and targets for managing and restoring health to the marine and costal environment in ways that provide certainty and sustainability across generations and rohe.



6. The bottom line for TKONT, in submitting to this Plan is to support the development of policies and rules that prevent further degradation of the biodiversity and character of the environment. We wish to see a plan, that at its heart protects and enhances the natural character and state of the marine environment over all other uses, and where degradation and depletion has occurred take concerted steps and measures to restore the marine environment, and its surrounding environments and habitats. An eco-system based approach would support the achievement of this aspiration.

7. The reality is that our coastal and marine area is under vast pressure. As Māori we are witnessing a marked decline in the mauri, quality and abundance of our waters and our taonga species. In the same way that spatial plans are increasingly used by Council to respond to the pressures and conflict on the whenua, TKONT suggests that Marine Spatial Planning is a provision that could usefully be provided for in the Coastal Plan. Environment Guide sets out the some of the benefits of marine spatial planning. These include:
 - Application of an ecosystems approach to the management of human activities through safeguarding important marine ecological processes and the overall resilience of the marine system;
 - Provision of a strategic, integrated and forward-looking framework for all uses of the sea which takes into account environmental as well as cultural, social and economic objectives;
 - Identification, conservation or restoration of important components of coastal and marine ecosystems;
 - Allocation of space in a rational manner which minimises conflicts of interest and maximises synergies across sectors;
 - Management of cumulative impacts over space and time;
 - Provision of greater certainty for marine users and



- Linking science and marine management ²
8. Spatial planning encompassing ecosystem based management provides an opportunity to enhance the Coastal Plan. The processes of development are collaborative and inclusive, it is forward thinking, whilst acknowledging the past, weaves mātauranga into the process, starts with an in-depth understanding of the marine and coastal environment and looks beyond regulation as the basis to achieve long term ecological opportunities. TKONT would like to commence a discussion about the opportunities of marine spatial planning along our coastal rohe.

Consideration of Section 32 report

9. The Section 32 report provided a useful and important means to understand the rationale and thinking around the Plan. The following section provides some specific comments about the issues raised in the report. TKONT is very happy to engage in a further dialogue with the Council about how best to address these matters in the Coastal Plan.
10. Section 2.2.5 of the Section 32 report states that the statutory acknowledgements may provide an opportunity to identify activity and circumstances where iwi may not wish to receive a summary of applications because the activity does not affect the associations in the statutory acknowledgement. TKONT understands what the Council is inferring, however it will be TKONT that considers, on the basis of each application whether the iwi has an interest that it would like addressed or acknowledged. TKONT would like to receive copies of all marine and coastal resource consent applications within its rohe and area of interest.
11. Section 3.2.1 reflects that there are 263 active consents in the coastal environment. TKONT would like to receive further information about the number and type of consents

² <http://www.environmentguide.org.nz/issues/marine/marine-spatial-planning/im:2105/>



that sit within Ngāruahine’s coastal area. It would also be helpful to receive information about renewal dates.

12. Section 3.2.2 notes that coastal water quality is largely affected by discharges from freshwater, however with 15% of coastal permits issued for discharges there is a double effect – discharges permitted into the coastal environment and the unintended consequences arising from discharges to freshwater. As recognised by the Plan, integrated management of effects and an adaptive management approach is necessary to address this matter.
13. TKONT would like to acknowledge the commitment made by the Council in section 3.2.5 to give particular consideration to the special relationship that tangata whenua has with the coastal environment through the expression of tikanga and the particular associations of wāhi tapu, urupa, tauranga waka and toku taonga iti. TKONT also proposes that the Council add mahinga kai to this list of acknowledgements.
14. TKONT is supportive of the means to assess benefits and costs (section 5.3). We do however propose that the commentary about cultural assessment includes a specific reference to Māori historic, cultural and spiritual values.
15. In regards to the requirement to consider, if practical, the quantifiable benefits of the Plan provisions, TKONT is somewhat supportive of this. We are pleased to see an explicit acknowledgement of the challenges associated with monetarising the expression of values. In the same section the Council has provide the approximate financial cost to obtain consent, as a means to quantify the benefits of the plan. In addition to the costs to obtain a consent, there is also a value in acknowledging the costs of causing harm and degradation to the marine and coastal environment. TKONT would like to see the inclusion of such information, even if it is sourced from third party research and data.

Analysis of objectives



16. Section 6 was a particularly important section that aided understanding about the focus and intent of the objectives. TKONT suggests that some of this commentary could usefully be included in the Objectives section of the Proposed Plan.
17. Section 6.1, integrated management is defined as useful for the Council and resource users because it recognises the interconnectedness of the coastal environment to other domains. TKONT supports this assertion and suggests that recognition of its usefulness also be extended to tangata whenua as kaitiaki. The same 'kaitiaki' consideration should also be applied to 6.2.
18. Section 6.4 sets out a critical objective for TKONT. It is through the recognition and achievement of the life supporting capacity and mouri of the coastal environment that we have a greater potential to protect and enhance our marine and coastal environment.
19. We are pleased to see explicit recognition of tangata whenua values within section 6.5 and we look forward to the continued improvement in health of the marine and coastal environment. TKONT agrees that the determination of appropriate activity use must be determined on a case by case basis. It is our preference that decisions are guided by clear values and principles, including mātauranga and cultural values, and in consultation with kaitiaki and tangata whenua.
20. In giving recognition to the the Māori relationship with the coastal environment, section 6.8 could be improved by referencing wāhi tapu, urupa, tauranga waka and toku taonga iti, mahinga kai and statutory acknowledgements. Currently the reference to discharges does not represent the breadth of Māori considerations and concerns about the coastal environment.
21. TKONT is pleased to see the introduction of the Tiriti o Waitangi objective 10 (section 6.9), because it embeds the Treaty into the heart of decision making considerations. We



do however propose a minor change to the wording: **Give effect to** the Treaty of Waitangi including the principles of...~~are taken into account~~ in the management of the coastal environment”.

22. Within the draft plan (2017, p.ii), the Council proposed the inclusion of a number of principles to encapsulate the relationship between iwi o Taranaki and the coastal environment, TKONT suggest that the five values (from the draft Plan): Mai te maunga Taranaki kit e Tai a Kupe, Whakapapa, Kaitiakitanga, Manaakitanga and Whanaungatanga could be transposed into the new treaty objective.

23. Within objective 11 (section 6.10) it is particularly important to reference the tauranga waka sites along the coast lines.

24. Objective 12 (section 6.11) is challenging because there is a need to balance the competing interests. On the one hand there is a need to acknowledge, recognise and protect the environment and the traditional cultural and historical interests whilst maintaining, but perhaps not enhancing the people’s use of the sites. The same tension applies with objective 13 and the competition for public versus private use of the CMA, compounded by the considerations about how such uses may increase the coastal hazard risk. An amendment could be made to the end of this objective: “people’s use and enjoyment of the coastal environment....in maintained and enhanced without adversely impacting on cultural and historic values”.

Proposed Coastal Plan

25. TKONT suggests that it may be useful for Plan readers to know that the iwi of Taranaki have claims before the Crown for both customary marine title and protected customary right (section 2.3). It may also be useful to explain to the community what these statutory acknowledgements will mean.



26. Within section 3.1 we suggest that it is important to reference the tauranga waka landing sites. Inclusion of this can help Plan users to understanding the long standing relationship and significance of the coastal area for Māori. This section could also explicitly acknowledge and reference the statutory acknowledgements that iwi have over a number of rivers and tributaries and land areas within the CMA environment. Currently the section as drafted places most of the emphasis on mahinga kai. With a broadening of information, there is an opportunity to grow awareness and knowledge about the depth of relationship that Māori have with the coast.
27. The Section 32 report provides some very useful information about the objectives, their meaning and their rationale. The proposed Plan with its high level reference to the objective statements (section 4) is less helpful. TKONT suggest an overview of the meaning and intent of the objectives could usefully be included in this section, or perhaps as an appendix.

General Policies

28. TKONT has no opposition to the definition of the coastal management areas, however, we do suggest that their characteristics require further discussion with tangata whenua, as each of the five areas needs to recognise the cultural values that Māori value, for example mahinga kai extends to each of the areas, as to rituals, blessings and ceremonies, wāhi tapu and wāhi taonga areas. Tauranga waka sites are also important to many of the areas. It is important that the Council engage in further dialogue with Māori about the characteristics Māori value within each area. This is important to ensure that Māori cultural values and traditions are protected and provided for. Policy 1 provides the opportunity to recognise the place of marine spatial planning and ecosystem based management and other associated environmental and kaitiaki plans.
29. TKONT supports policy 5 (section 5.1.2) with the recognition that has been given to the extent to which an activity may be commensurate to Māori values, culture, practices and



traditions. There is value in considering the reinstatement of the policy set out in the draft plan, which sought to protect the indigenous biodiversity, historic heritage and amenity values of the coastal area.

30. Policies 8 to 15 (section 5.1.3) use “adverse effects” and “significant adverse” effects interchangeable. It is the preference of TKONT that adverse effects are used. TKONT is challenged by the word “significant” where there is an absence of understanding about how significance is to be interpreted and by whom. What is often significant to Māori may not be perceived as significant by Te Ao Pākehā - the misalignment of values and methodological approaches can often result in significance being determined by a Western scientific paradigm. With the persistent inclusion of significance as a matter of determination, the burden of proof is often left to Māori and Iwi Authorities who have access to less resource capability and expertise in marine research, particularly that which is defined within a western model. Adverse effects are our preferred terminology.
31. In protecting areas of indigenous biodiversity, policy 14 provides a place to protect and restore the mauri of sites of significance to Māori. To this end reference should be specifically made to Schedule 5B. In addition policy 14 could be expanded to acknowledge and respect taonga species.
32. Policy 15 makes reference to Schedule 5B, the sites of significance to Māori. Ngāruahine has provided to the Council information about the sites that it would like protected. TKONT has a reasonable level of comfort with the site coordinates as proposed in the Plan. We would however like the opportunity for amendment and refinement to take place as required as we can the Ngāruahine hapū progress the claims under the Takutai Moana Act 2011. TKONT also seeks the inclusion of a clause within section d) that specifically recognises the role of kaitiaki and mātauranga supplied by tangata whenua/mana whenua and its experts.



33. TKONT commends the Council for the inclusion of policy 16 and would like to propose some minor amendments:

(a) taking into account any relevant iwi planning document, including but not limited to Environmental Plans, Management Plans, Kaitiaki Plans and Marine Spatial Plans

(d) ~~responding to requests for~~ taking into account Mana Whakahono a Rohe that provide agreements about how to enhance the opportunities for collaboration with iwi may contribute to resource management practices.

(g) providing for the appointment of a person(s)...

(h) providing for the inclusion of and recognising the importance of mātauranga....

(i) requiring that resource consent applications or plan change applications provide cultural impact assessment and / archaeological assessments where deemed appropriate and/or necessary by iwi.

34. In addition TKONT would like to see the inclusion of further commitments:

(k) providing for and responding to the considerations of tino rangatiratanga, kaitiakitanga, tikanga, customary values and practices, wāhi tapu and taonga tapu species in matters of significance and relevance to tangata whenua;

(l) development of cultural monitoring practices and expertise;

(m) actively protecting sites of significance, wāhi tapu and taonga tapu.

35. TKONT does not support enhancing public access to the coastal environment (policy 17) where that activity comprises the sites of significance (Schedule 5A and B) and where that would adversely affect indigenous biodiversity, wāhi tapu and wāhi taonga. We would like to see an amendment to this effect.

36. TKONT proposes a small amendment to policy 18 to aid clarity. Instead of referring to schedule 5, refer to schedules 5A and 5B. We also suggest that the inclusion of Schedule 4A would also add as a further protection.



37. TKONT proposes that policy 19 be amended to ensure that the protection of the surf breaks is not incompatible with the traditional cultural uses at sites of significance including those set out in Schedules 5B.

Activity based policies

38. TKONT would like to see an amendment to policy 24 that makes explicit reference to iwi, as distinct from the general community. The discharge of treated sewerage is unacceptable to TKONT, and this is a clear example of when a cultural impact assessment and full inclusion of iwi in the resource consent process would be required.

39. TKONT opposes policy 25. The Plan should take a firm stand that the discharge of treated wastewater that contains human sewerage is no longer permitted, and no new consents will be granted. This is particularly important to Māori as the only permitted area is open coast, and as defined in Policy 1, open coast is an important mahinga kai area.

40. TKONT is supportive of policy 26 and the implementation of best practicable option to minimise adverse effects on the receiving environment from wastewater discharges. The adoption of this Plan will therefore require the review clause within the resource consents to be triggered, as permitted by S.128 of the RMA1991.

41. Policy 27 (a iii) should remove the words “which may include treatment”; treatment must be a mandatory process. Policy 27 also requires amendment to prevent discharge to any sensitive area of site of significance.

42. The intent of policy 29, the minimisation of impacts from offshore drilling is supported. We do however require a minor amendment, the removal of the words “accidental”.



43. In respect of the policies 31 to 39 (structures), TKONT would like to see a recognition of the Takutai Moana Act 2011 and the extent to which structures prejudice Māori customary and protected rights along the coastline. Policy 32 should include reference to Schedule 5B to provide assurance that structures are not placed within the sites of significance. There should also be the presumption that coastal structures will be removed (policy 38).
44. Policy 40 could usefully be expanded so that it can include areas that may be subject to future protection, but have not yet been designated. A general statement to this effect would future proof this policy.
45. In respect of policy 42, TKONT would appreciate confirmation that the disturbance referred to, is that covered by policies 40,41, 43 and 44 and does not relate to commercial activity.
46. TKONT requests an amendment to policy 44, and that further exclusions be applied in line with schedules 2, 4A and B, 5A and B and 6. We also request exclusions for areas subject to a crown application or settlement under the Takutai Moana Act 2011.

Methods of Implementation

47. General method 1 (section 6.1) should be expanded to include the provision of advice and information about the cultural significance and importance of the coastal and marine environment to Māori and iwi/hapū. TKONT also proposes that the word “consider” is removed from methods 2 and 3. The instruments, works and services referred to, should be used where they enhance and protect coastal values.
48. TKONT suggests that methods 21 to 31 provide a useful basis to support the implementation of the Plan in line with tangata whenua values. TKONT proposes that method 25 refers to two distinct forms of implementation and involvement and



partnership should be separated from databases and information (the latter is more aligned to method 24).

Rules

49. Rule 1 (section 8.1) permits the discharge of stormwater where the conditions are met. TKONT does not have an opposition to this in itself, however, we are uncertain that the TRC is best placed to consider if condition e is met in regards to Schedule 5B. We are pleased to see the inclusion of this matter, but are unsure as to what this looks like in practice. TKONT requests a further dialogue about this. On this basis it may be preferably to amend this rule to discretionary.
50. TKONT accepts the need for rule 4 to be classified as a permitted activity, because a swift response to a spill is required. TKONT would also like to see the inclusion of a new condition (d) which also requires the notification to the appropriate iwi authorities, as soon as is practicable after the event.
51. TKONT opposes rule 7 and would like to see its removal. We are happy to work alongside the Council and consent holders on existing consents to improve practice; however we propose that it should no longer be acceptable for new wastewater discharges that contain human sewerage to be consented. Rule 8 should therefore be extended to include open waters.
52. It is the preference of TKONT for rule 10 to be amended to a prohibited activity, and that all sampling, scraping and cleaning take place in the port coastal area.
53. We are uncertain why abrasive blasting that involves the discharge of contaminants is a discretionary activity. It is the preference of TKONT that this is amended to a non-complying activity.



54. TKONT is opposed to rule 12 classifying seismic testing and bathymetric testing as permitted activities. TKONT has opposed all such applications under the EEZ Act on the basis that the Department of Conservation Code of Conduct is flawed, and the research evidence clearly cites the harm that is caused to marine mammals, larvae development and zoo plankton. The Marine Mammal guidelines do not assess the total effects on the marine environment and do not mitigate the risks to the marine environment. A reliance on the guidelines as the basis to afford permitted activity status neglects the impact on fish, larvae and invertebrates and Māori customary and commercial fishing rights. TRC has an opportunity to exhibit leadership in this area by applying a higher level of regulatory rigour than is currently applied. TKONT also requests the inclusion of a condition that ensures no adverse effects on the cultural interests of associated with those specified in Schedule 5B.

55. Rule 18 permits outfall structure placement where the conditions are met, rule 20 allows for the mooring of monitoring or sampling equipment and rule 21 allows for maritime navigations equipment. TKONT does not have an opposition to the rules in themselves, however, we are uncertain that the TRC is best placed to consider if condition e is met in regards to Schedule 5B. We are pleased to see the inclusion of this matter, but are unsure as to what this looks like in practice. TKONT requests a further dialogue about this rule. TKONT also requests that the respective conditions that refer to schedule 5 be amended to read Schedules 5A and 5B. And, if it is not possible to secure agreement about how condition e) can be met, it is our preference to amend the rules to discretionary.

56. TKONT is uncertain why rule 24 prohibits white baiting structures. TKONT suggests that it would be preferable to have this as a discretionary or non-complying activity, thus allowing iwi to engage in a dialogue when applications are received, and providing the Council with sufficient opportunity to refuse the applications.



57. Rule 26 classifies exploration or appraisal well drilling as a controlled activity. TKONT does not agree with this classification and proposes that all drilling activity is classified as a discretionary activity. We also request that condition c is amended to read Schedule 5A and B.
58. Rule 35 allows maintenance and repair of existing lawfully established structures, subject to the proposed conditions being met. Rule 44 allows the removal of structures without a resource consent; TKONT requires notification of such activities within the Ngāruahine coastal area, to ensure that there is no conflict with any customary or cultural practice or tikanga of the iwi or hapū. Condition e of rule 44 also requires amendment to read Schedule 5A and B.
59. Condition b of rule 22, condition j of rule 31, Condition b of rule 32, condition c of rule 37 Condition i of rule 38 each requires amendment to read Schedule 5A and B.
60. With regards to rule 47 that allows, without resource consent temporary occupation of the marine and coastal area for a community event, as per our comments about rule 35 and 44, Ngāruahine also requests advance notice about such events to ensure that there is no conflict with customary and cultural practices. We also request that condition b, is amended to read Schedules 5A and B.
61. TKONT feels uncomfortable that structures, even where lawfully permitted shall be allowed to remain (rules 48 and 49). TKONT proposes that it is not unreasonable to reconsider the continued placement of the structure in accordance with the new requirements of the Plan. TKONT proposes that rules 48 and 49 be classified as restricted discretionary.
62. TKONT requests notification of activities that fall within rule 52, benthic grab samples.



63. Rule 57 requires amendment to acknowledge the role that kaitiaki play in wanting to protect areas of ecological value and biodiversity and sites of significance. To this end, we propose the inclusion of new conditions that protect the sites and ensure that the activities do not have any adverse effects on species and ecosystems and do not impact on the values of the sites listed in Schedules 5A and B. We request the same recognition for rule 63.

64. TKONT requests that condition b of rule 65 be amended to reference Schedule 5A and 5B.

Monitoring and Review of the Plan

65. TKONT is supportive of the methods proposed by the Council to monitor the effectiveness of the Plan. In addition to the methods proposed, TKONT would like to see inclusion of a specific method about engaging in dialogue with iwi in order to understand perceptions and values, and the application of mātauranga Māori.

Conclusion

66. In conclusion, TKONT believes that the Proposed Coastal Plan is moving in a direction that will support recovery and restoration of our marine and coastal environment. We propose that the application of an ecosystem based approach in partnership with kaitiaki will aid all marine and coastal users. We look forward to the opportunity to engage in further dialogue about the Plan and its provisions.

67. We trust that these comments are helpful. Should you require any further information or clarification about these comments, please contact me at policy@ngaruahine.iwi.nz.
TKONT wishes to speak to this submission.

Nāku iti noa, nā



Louise Tester

Louise Tester (PhD)
Kairangahau Matua

27 April 2018

Chief Executive
Taranaki Regional Council
Private Bag 713
Stratford 4352

Attn Basic Chamberlain

Tena koe Basil

SUBMISSION ON THE PROPOSED COASTAL PLAN FOR TARANAKI

Following is my submission on the Proposed Coastal Plan for Taranaki. I would like to be heard regarding this submission so that I can clarify and expand upon matters as may be required

This submission is made on behalf of several whanau of the Ngati Hine Hapu of Te Atiawa, who have an interest in the coastal area between Titirangi in the west and Te Rau o Te Huia in the east. We understand that Ngati Rahiri also have an interest in this area but that they have chosen not to submit to the proposed plan.

Introduction

My name is Keith Holswich and I am Te Atiawa. My whanau have an extensive history and interest in the coastal area generally known as Motunui, in North Taranaki.

Firstly, I wish to thank TRC for putting this proposed plan together. It has been understandable and notwithstanding my comments and submissions following, both my whanau and I support the plan in general and thank Council staff for the times, and the discussions we have had together. Of course, we may not agree on all matters, but we have both been open to reasoned and reasonable debate.

Submission on Proposed Plan Details

Pg 1 - 1.2 Purpose

We believe the purpose of the Plan should be more than to “assist” the TRC to carry out its functions. We believe the purpose should be either to “direct” or “guide” the TRC. A stronger purpose is required here.

Pg 9 - 2.1 Resource Management Act

Again, the plan should “direct” not “assist” TRC

Pg 24 – Policy 14: Indigenous Biodiversity

We wish to ensure that both our shellfish and crayfish, and the habitat for both, are protected in this section. We cannot see where they are so would like them included. If they are mentioned here, then we would be happy to have this pointed out to us.

Pg 26 – Policy 17: Public Access (b)

We wish TRC to be very careful here as we simply do not wish to have “public” access to some of our sensitive cultural sites. Quite happy if access is provided for our whanau, but not the public in general. We are not sure what wording can be used here to make this work.

Pg 27 – Policy 21: Natural Hazard Defences

We agree with this policy however with the scant details provided, it appears almost as if this policy was added as an afterthought. We believe this policy should be expanded to show how or what will be done to provide a natural defence from coastal hazards

Pg 36 – 6.5 Historic Heritage – 24

We ask that the definition “waahi taonga” be inserted here both with the identification and electronic inventories. We will provide TRC with our GIS data of sites that we are willing to share however this data is not attached to this submission.

Pg 36 – 6.5 Historic Heritage – 25

We believe that TRC should do more than “consider” Iwi involvement or partnerships in these matters and as such, a word stronger than “consider” should be used here to show appropriate commitment from TRC

Pg 36 – 6.5 Historic Heritage – 27

We ask that the definition “waahi taonga” be inserted here

Pg 37 – 6.6 Public Use and Enjoyment – 35

There is a very big conflict in this section. QEII covenants generally exclude public access so to include QEII covenants in a section that is trying to promote public access does not make sense. We ask that the QEII matter here be reviewed and if necessary, removed from this section.

Pg 47 – 8.1 Stormwater Discharges – Rule 1 (b)

Our concern here is that it should not be the area of land that determines what should or shouldn't happen to stormwater, it must be the activity that is considered. It appears that there is a conflict here between a) and b). We seek a review of this activity

Pg 49 - Petroleum Dispersant Use – Rule 4

We are concerned that rules relating to petroleum dispersant only apply in the port area and that ALL other coastal management areas should be considered. At the moment, it appears that as much petroleum dispersant as anyone wants can be used within any area including those of outstanding value with no rules or conditions at all. We ask that ALL coastal management areas be considered here.

Several of the next submissions deal with the term “Permitted Activity” that has been determined by TRC. We are reminded of a recent RMLA seminar where the renowned Dr Marie Brown, author of “Last Line of Defence” regarding compliance, monitoring and enforcement of environment law in NZ, noted that

“permitted activities have the largest risk of damaging our environment simply because they are seldom monitored, and the applicant seldom reads conditions that may be a requirement of the permitted activity”

We have used her discussion to re-visit TRC’s “permitted activities” as follows

Pg 53 – Seismic Surveying and Bathymetric Testing – Rule 12

The standards/terms/conditions of this rule make no mention of iwi involvement in areas that could be highly sensitive to iwi/hapu. We wonder how an event such as a rahui could be considered when there is no iwi/hapu involvement. We believe this activity should be a controlled activity with considerations from iwi/hapu

Pg 57 – Outfall Structure Placement – Rule 16

We cannot accept that structures may be placed on or over our kaimoana reefs as a permitted activity and without iwi/hapu consideration notwithstanding the standards/terms/conditions that are in place. We believe the protection of our reef systems needs to be specifically mentioned, that this activity should be discretionary or at the very least controlled, but with iwi/hapu consultation in all cases.

Pg 59 – Mooring Structure Placement – Rule 20

Our concerns are the same as those set out in Rule 16 above. We believe the protection of our reef systems needs to be specifically mentioned, that this activity should be discretionary or at the very least controlled, but with iwi/hapu consultation in all cases.

Pg 60 – Navigation Aid Erection or Placement – Rule 21

Our concerns are the same as those set out in Rule 16 above. We believe the protection of our reef systems needs to be specifically mentioned, that this activity should be discretionary or at the very least controlled, but with iwi/hapu consultation in all cases.

Pg 61 – Network Utility Structure or Erection or Placement – Rule 22

This is where we are confused as this activity is controlled, which we can accept, yet Rules 16, 20 and 21 are permitted which we cannot accept. In this Rule 22, we request that the protection of our reef systems is included in the Control/notification column and that iwi/hapu consultation be a requirement in all situations

Pg 64 – Exploration or Appraisal Well Drilling – Rule 26

During an Environment Court case several years ago, our esteemed kaumatua, Lyndsay McLeod, who was representing STOS, advised that a waahi tapu site extended from the centre of the earth, to the heavens above. We have accepted the definition he made here. Therefore, in the Standards/terms/conditions column item (c) we request that the appropriate words for this section should be

“drilling is not undertaken within, over, or under, any site identified in Schedule 5 (Historic Heritage)”

Pg 65 – same section

In the Controlled notification column, we could accept that any resource consent application under this Rule will not be publicly notified (although we cannot understand why not) but we cannot accept that the consent MAY be limited notified. We insist that iwi/hapu have a say in a consent of this nature especially where our reef systems may be affected. We request the wording here be changed so that potentially affected parties WILL be notified.

Pg 66 – Rule 27

We ask why the standards/terms/condition and the control/notification column are left blank here?

Pg 68 – Rule 29

We ask why the standards/terms/condition and the control/notification column are left blank here?

Pg 69 – Rule 30

We ask why the standards/terms/condition and the control/notification column are left blank here?

Pg 70 – Temporary Military Training – Rule 31

We believe this rule must be considered a controlled activity as while standard (j) notes that the activity should not have an adverse effect on the values associated with historic heritage, we wonder how the defence force will even know about our significant sites if iwi/hapu are not advised prior. We would be horrified if a military exercise were to be carried out on a seemingly innocuous sand hill when it is in fact, a burial ground. Or what happens if we are having a tangi at our urupa on the coast and heavily armed military personnel happen to be running around. This would be unacceptable and the only way for this not to happen, is to make this activity Controlled rather than Permitted, and include in the Control/consent column, that iwi/hapu are to be notified. We ask TRC to reconsider the classification and to add some form of iwi/hapu consultation here.

Pg 47 – Community Recreational or Sporting Activity – Rule 47

We ask TRC how our historic site, waahi tapu and waahi taonga are to be protected if this activity is permitted? If the permitted activity classification is to remain, then the standards/terms and conditions should be amended along the lines that no activity can take place within 100m of an historic site unless consultation with iwi has taken place.

The following submissions relate to the Definitions and Acronyms

Pg 111 - Hapu

This definition needs to be amended to specify “families of people of Maori descent” as at the moment, hapu refers to anybody

Pg 112 - Historic Heritage

While the RMA generally includes sites of significance under the definition of Historic Heritage, we believe this to be a too broad approach to our sites. Environment Court case law has so eroded the definition of our traditional Waahi Tapu sites, to such an extent that Waahi Tapu are now no more than isolated and very small areas of land, we believe the currently accepted definition of Waahi Taonga (Treasured Place) should be added. We request that Council amend (b) (iii) to “sites of significance to Maori, including waahi tapu and waahi taonga, and ...”

Pg 112 - Industrial or trade site

This definition is not included at the moment however industrial or trade premises is. We believe that there is far more chance of problems happening with a “site” than with a premise so would like this definition added

Pg 113 – Land

As previously discussed regarding the extents of waahi tapu, we believe the definition of land should be amended to include everything below the surface as well as everything above the surface. We ask that this definition be amended

Pg 114 – Petroleum

We believe this definition to be rather long-winded and that (a) and (b) could be combined to simply read

“any naturally occurring hydrocarbon or naturally occurring mixture of hydrocarbons (other than coal) whether in a gaseous, liquid or solid state”

Pg 115 – Pipeline

The definition of pipeline as it stands is too broad. Most certainly, a pipeline does not mean all machinery, tanks and fittings connected to the pipeline. We will accept that a pipeline includes fittings

connected to the line, however other machinery and tanks should be removed from this definition and if required, have their own definition. We request this definition be amended.

Pg 115 – Produced water

We ask that this definition be changed to include

“means water with or without high mineral or salt content”

Pg 116 – Sewage

We request that the acronym WC needs to be defined some-place else or expanded here.

Page 116 – Silent Files

We believe a definition of Silent Files needs to be added to describe those sites that iwi/hapu have identified but do not wish to disclose details or even the location of.

Pg 117 – Tangata whenua

We ask that this definition be expanded to include

“...means the iwi, or hapu, or whanau, that holds mana whenua over the area”

Pg 117 – Taonga

Currently, the definition describes prized possessions of the tribe only. We ask that this definition be changed either to include iwi, hapu and whanau, or perhaps generically, use the word Maori.

Pg 117 – Waahi Taonga

This definition need to be added – see comments under Historic Heritage

The following submission relates to the Maps

Maps 9 & 10

We will supply TRC with our digital GIS data outlining the extents of our waahi tapu interests along the coast which extend into the eroded coastal environment. The site information contained in the New Plymouth District draft plan should not be used in the Coastal Plan

Maps 9 & 10

We note that the maps only include our reef systems that are accessible by foot a low water however these reef systems extend several kilometres offshore and must be included in any Council planning maps. There are many activities that can/will affect our reef systems away from the immediate coast and any damage to this system offshore, will most certainly affect those accessible areas close to the shore. We will supply our digital GIS data outlining the extents of the reef systems between Titirangi and Te Rau o te Huia and request that they be included in the maps.

That is our submission to the Proposed Coastal Plan. If you have any questions or queries relating to this submission, my contact details are included below. And to confirm, I would like to be heard in relation to this submission.

Nga mihi

A handwritten signature in black ink, appearing to read "K. Holswich".

Keith Holswich

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New Plymouth 4312

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Email – keith.holswich@xtra.co.nz

27 April 2018

TO: Taranaki Regional Council
Submitted online at: <https://www.trc.govt.nz/council/plans-and-reports/strategy-policy-and-plans/regional-coastal-plan/proposed-coastal-plan-feedback-form/>

FROM: Royal Forest and Bird Protection Society of New Zealand Incorporated
Attn: Tom Kay
PO Box 631
Wellington

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022 183 2729

FOREST & BIRD SUBMISSION ON PROPOSED TARANAKI COASTAL PLAN

- Forest and Bird could not gain an advantage in trade competition through this submission.
- Forest & Bird wishes to be heard in support of this submission, and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.

INTRODUCTION

1. Forest & Bird is New Zealand's largest non-governmental conservation organisation with many members and supporters. Forest & Bird's constitutional purpose is:

To take all reasonable steps within the power of the Society for the preservation and protection of the indigenous flora and fauna and the natural features of New Zealand

2. Forest & Bird has for many years expressed a strong interest in the Taranaki Region, particularly with regard to the coastal environment, the maintenance of indigenous biodiversity, and the protection of freshwater. This has included advocating for greater protection of indigenous flora and fauna through the identification of significant natural areas in district plans and more recently with regards to the effects of seabed mining in the South Taranaki Bight on the coastal environment including on critically endangered marine mammals which inhabit both the coastal marine area and the exclusive economic zone.
3. These submissions on the Proposed Coastal Plan for Taranaki (the Plan) are set out under the Key Issues and Table 1 relating to specific provisions.
4. For the purposes of this submission, relief sought includes such other relief, including consequential changes, as is necessary to give effect to the relief sought.

KEY ISSUES FOR THIS SUBMISSION

- The extent of the coastal environment and integrated management
- Coastal management area approach
- Natural character and Natural features and landscapes
- Protection of indigenous biological diversity
- Appropriate use and development
- Aquaculture

The extent of the coastal environment and integrated management

5. Forest & Bird generally supports policy direction to determine the extent of the coastal environment. In our view it is preferable that this is identified as an indicative line on planning maps. This provides certainty for permitted activities and flexibility for consented activities to be considered on a case by case basis.
6. Policy 2 and Policy 4 of the Plan provide for integrated management and the extent and characteristics of the coastal environment respectively. In the proposed Plan these policies provide the basis for integrated management of both the regional and district council's functions in the coastal environment. However the wording proposed does not give effect to the New Zealand Coastal Policy Statement (NZCPS).
7. Policy 2 in the Plan appears to be intended to give effect to the requirements of Policies 4 and 5 in the NZCPS. However the policy focus on activities in the CMA and does not provide direction for integrated management across administrative boundaries. This approach also appears inconsistent with proposed Objective 1 which addresses the coastal environment; it does not set an objective solely for the CMA. It is important that Policy 2 provides direction on integrated management for the protection and preservation required under Policies 11, 13 and 15 of the NZCPS.
8. To effectively implement Policy 2 of the Plan it is necessary to identify the extent of the coastal environment. However, Policy 4 of the plan requires a case by case determination. This policy direction creates uncertainty as to whether plans can identify the extent of the coastal environment on planning maps. This is because "case by case" usually means an approach to resource consents rather than by plan provisions. This creates a potential inconsistency with the approach taken in the Proposed South Taranaki District Plan to identify the Coastal protection area by mapping the inland boundary of the district's coastal environment on the District Plan Maps¹, would be consistent with policy 4 as proposed; a sample is attached in Appendix 1.
9. As proposed Policy 4 sets on specific matters to which regard must be given to determine the extent of the coastal environment for the purpose of policies in section 5.1 of the Plan. However the matters set out under clauses (a) and (b) in Policy 4 are only some of the characteristics which are to be recognised under Policy 1(2) of the NZCPS. As proposed Policy 4 would be particularly problematic for district council plans in giving effect to the NZCPS as it does not recognise terrestrial systems of the coastal environment.

¹ Section 1.11 Definitions, Proposed South Taranaki District Plan (Decision version) 5 November 2016: **Coastal Protection Area**: is the extent of the district's coastal environment and means land within the district seaward of a line identified as the inland boundary of the Coastal Protection Area on the District Plan Maps.

10. Relief sought:

1) Amend Policy 2 to:

- a. Give effect to Policy 4 of the NZCPS, including by providing for coordinated management or control of activities in the coastal environment;
- b. Give effect to Policy 6 of the NZCPS, including by considering effects on land and waters in the coastal environment held or managed under the Conservation Act and other enactments administered by the Department of Conservation.
- c. Providing for a consistent approach to the protection of significant indigenous biodiversity, outstanding natural features and landscapes and areas of outstanding natural character as part of integrated management in the coastal environment.
- d. Make amendments to address the inconsistencies and uncertainties in the wording of policy 2 set out in Table 1. below.

2) Amend Policy 4 to:

- e. Enable and support the identification of the extent of the coastal environment, including by removing reference to “case by case”
- f. Recognised the characteristic set out in Policy 1 of the NZCPS.
- g. Provide direction on the extent of the coastal environment which supports the implementation of policies in 5.1 and provision for integrated management.

11. Forest & Bird consider Policies 2 and 4 are particularly important as the regional council and district councils will need to ensure that their other regional and district plans are not inconsistent with this regional coastal plan, s68(4)(b) and s76(4)(b), and that their plans give effect to the NZCPS, s68(3)(b) and s76(3)(b). It is problematic if the policies in the coastal plan are inadequate or uncertain in relation to where they apply, both within the CMA and inland of the CMA within the coastal environment.

Coastal management area approach

12. Forest & Bird agrees that there will be different management considerations for activities within different parts of the coastal environment. As a zoning type approach and mapping of areas can be useful approach. However this approach is not explained in the plan nor is the identification of areas on a consistent basis.
13. Section 1.7: ‘Coastal Management Areas’ describes an area-based management approach in relation to the structure and scope of the Plan. However Section 3: ‘Coastal management’ does not explain or provide any basis for this approach. Further, there is no obvious connection between Section 4: ‘Objectives’ and the area-based approach described in Section 1.7 to be implemented through Policy 1.
14. The management areas appear to have been determined by various approaches, including:
- a. through expert assessment² to determine outstanding natural character and outstanding natural feature and landscapes areas,
 - b. an unstated process to determine estuary and port areas listed in Schedule 1 and identified on the maps.

² Regional landscape study of the Taranaki coastal environment (2015)

- c. by elimination to determine the open coast area.
15. There appear to be two purposes to the characteristic listed for each management area under Policy 1(a) to (e). Firstly to describe the values or uses of the area which support the identification of the area, and secondly for the management of activities.
 - 1) The characteristics are listed collectively (using “and”) and it appears that all characteristic must apply together to identification an area. Policy 1(a) appears to largely rely on values and attributes identified in Schedule 2 and Policy 8 (reference to Policy 7 appears to be in error) which give clear guidance. It is less certain for estuaries (1(b) and 1(c) as not all characteristics set out may be present in all parts of an estuary; however on an estuary basis it is likely that all characteristics would be present. The Port (1)(e) characteristics are a mix of use values and physical elements. These are somewhat uncertain as characteristic to identify the management area, particularly as port activities are not set out, however given the area is clearly mapped this ok. The collective listing does not work for the open coast 1(d) as not all characteristics will be applicable in areas. Potentially this limits the area of remain coast which the policy applies to. This is because the policy wording states that the “open coast” is areas that characteristically include (i) to (iv) collectively. Areas to which that list does not apply and are that not captured under 1(a), (b), (c) or (e) would not be included under the Coastal Management Area approach. The characteristics set out are problematic to determining the management areas and should not be worded to imply this.
 - 2) Managing effects of activities is also problematic in terms of the characterisits. The policy directs that “recognition will be given” to the management areas and their distinguishing vlaues, characterisits and uses, “in managing the use, developemnt and protection of resources”. This is because it is not certain on what basis these characteristic have been determined, and they do not reflect the directive policies 11, 13 and 15 of the NZCPS. The direction to recognise these characteristic appears to priorities these characteristic over the policies which require the avoidance of adverse effects.
 16. Forest & Bird consider the listing of matters which are ‘characteristically’ relevant to each management area does not translate into clear direction for managing use, development or protection of resource. Schedule 1 sheds no light on this issue, as unlike Schedule 2, which sets out specific values and characteristics for each outstanding area, Schedule 1 is merely a list with map references.
 17. Forest & Bird is concerned that it is extremely uncertain whether the current wording of Policy 1 and its subheadings accounts for the protection of biodiversity and associated values or merely defines large management areas, which will then have their values protected or uses provided for through another set of policies. If this is the case it is unclear where these protective provisions are.
 18. While Forest & Bird is open to the possibility that a management area or zone-based approach may be useful for plan users, the current approach is not supported for the following reasons:
 - 1) It is uncertain whether the management areas apply.
 - a. Section 1.7 states that “The coastal marine area has been divided into five management areas”. However the Planning maps (in Schedule 1) show a number of outstanding value areas extend landward beyond the CMA.
 - b. Section 5.1 states that “policies apply to all activities in the coastal environment, regardless of which coastal management area the activity may fall within”. This can be read that the management areas cover the full coastal environment.

- c. Policy 1 (d) describing the characteristics of the Open Coast refers to coastal land behind the foreshore.
 - d. The plan does not identify or map the 'Open coast' management area.
- 2) The management area approach set out in Policy 1 does not provide for integrated management of the coastal environment.
 - a. The application management areas landward of the CMA is uncertain as 5.1 polices (ie Policy 1) apply to the coastal environment and 5.1 apply to the CMA only.
 - b. Under Policy 1 it is uncertain how the integration effects of activities on Outstanding values landward of the CMA will be avoided as management is restricted to the CMA. This potentially conflicts with direction under policy 8.
- 3) It is not clear how overlapping significant biodiversity and outstanding natural character/landscape values and characteristics are to be provided for.
 - a. For example both Estuaries and Outstanding Value areas include characteristics of threatened species; however there is no policy direction for Estuaries and Policy 8 Areas of Outstanding Value is limited to protection from "inappropriate use and development". While that may be appropriate for Natural Character and Natural features and landscapes, it is inconsistent with Policy 11 of the NZCPS which directs the protection of threatened species without any reference to whether use or development is inappropriate. The approach appears to contemplate different levels of protection depending on which coastal management area a threatened species is in.
 - b. The management areas are uncertain in terms of the identification of values and characteristics which represent significant indigenous biodiversity.
 - c. It is uncertain how Policy 14 of the Plan applies to significant values or characteristics in the management areas.
 - d. Policy 1 does not implement Objective 8 of the Plan and fails to provide for Policy 11 of the NZCPS by setting out recognition of values and characteristic rather than protection.
- 19. If an area-based management approach is retained in the plan, policy direction should be limited to that approach and avoid conflicting with policy direction for the protection of coastal values or with the specific section 5.2 policies for subdivision, use and development activities.
- 20. It is more useful to set out policy direction which recognises and provides for the NZCPS. Such as by including a specific policy on Ports to recognise Policy 9 of the NZCPS and separate policies on Outstanding natural character and on Outstanding natural features and landscapes to provide for Policy 13(1)(a) and Policy 15(a) of the NZCPS.
- 21. Relief sought:
 - a. Amend Policy 1 to set out an area based management approach based on mapped and scheduled areas. Refer to relevant policies to identify characteristics in those areas which are not already for those areas in a schedule.
 - b. Moving the amended policy to section 5.2 so that it clearly sets out a management area approach only within the CMA and applies only to the activities which are controlled under rules in the plan.

- c. Include a statement that Policy 1 does not provide direction for subdivision, use or development activities within the management areas.
- d. Consider a specific policy for the port to give effect to the NZCPS
- e. Make amendments to address the inconsistencies and uncertainties in the wording of Policy 1 set out above and in Table 1 below.

Natural character and natural features and landscapes

22. The NZCPS 2010 sets out directive policies for the protection of Natural Character (Policy 13) and Natural features and landscapes (Policy 15). Policy 13 specifically recognises that natural character is not the same as natural features and landscapes. The approach taken to combine policies on outstanding values in Policy 8 and the remainder of natural character, features and landscapes in Policy 9 appears to reflect the RPS which became operative prior the NZCPS 2010. The regional coastal plan must now give effect to both the RPS and the NZCPS 2010. This can only be achieved by the inclusion of policies which recognise the different characteristics and values set out in Policy 13 and Policy 15 of the NZCPS and by providing for the protection of those values.
23. Forest & Bird supports the approach of providing policies which apply to the full coastal environment. This provides consistency in achieving the policies of the NZCPS and for integrated management. However an important consideration is that regional and district council plans must be consistent with the regional coastal plan (see paragraph 11 above).
24. As proposed the approach under Policy 8 limits the identification of Outstanding natural character and Outstanding natural features and landscapes to those areas set out in schedules 1 and 2. This creates uncertainty as to whether the plan would recognise or enable the identification of other outstanding areas landward of the CMA.
25. The lack of a policy basis within the plan (such as a criteria setting out the values and characteristics upon which the Outstanding natural character areas and Outstanding natural features and landscapes in the schedules can be determined) means it is uncertain whether the scheduled areas achieve Policy 13 and 15 of the NZCPS. Nor does this provide certainty for how other such Outstanding areas are to be identified over the full coastal environment.
26. Policy 9 is uncertain as it appears to consider aspects activities in terms of appropriateness or maintenance which can only be determined once the effect on values are known. To achieve this the plan needs to set out guidance for the identification of values or include values for identified landforms features and vegetation and heritage. The inclusion of significant areas of indigenous vegetation and historic heritage overlaps and creates inconsistency with Policies 14 and 15 in the Plan. The application of this policy is particularly uncertain as it does not recognise that natural character is different to natural features and landscapes, nor does it provide for the assessment or identification required under Policies 13 and 15 of the NZCPS.
27. Relief sought:
 - a. Delete Policy 8 and Policy 9
 - b. Add a new policy to provide a basis for determining/identifying Outstanding Natural Character to achieve Policy 13 of the NZCPS
 - c. Identify areas of High natural character and show these on the Planning maps as required by Policy 13 of the NZCPS
 - d. Add a schedule setting out the values and characteristics of identified areas of high natural character
 - e. Add a new policy for to preserve areas of High natural character

- f. Add a new policy for other natural character in all other areas of the coastal environment consistent with Policy 13 of the NZCPS
- g. Amend the rules to avoid adverse effects as required by Policy 13 of the NZCPS
- h. Add a new policy to provide a basis for determining Outstanding Natural Features and Landscapes to achieve Policy 15 of the NZCPS
- i. Add a new policy for other natural features and landscapes in all other areas of the coastal environment
- j. Amend the rules to avoid adverse effects as required by Policy 15 of the NZCPS.

Protection of indigenous biological diversity

- 28. BIO Method 1 of the RPS sets out that the regional council will identify areas with significant indigenous biodiversity values. BIO Policy 4 sets out values and matters to consider when identifying significant biodiversity values and BIO Policy 3 provides that priority will be given to the protection of marine ecosystems, habitats and areas that have significant biodiversity values. The RPS became operative prior to the NZCPS 2010 and does address the further detail and provision to avoid adverse effects now directed by Policy 11 of the NZCPS.
- 29. Identification of areas of significant indigenous biodiversity is necessary to give effect to the RPS and is an effective way of identifying areas where adverse effects are to be avoided under Policy 11(a) and significant adverse effects are to be avoided under Policy 11(b). Forest & Bird consider that at a minimum the Policy 11(a) areas need to be identified in the CMA for council to ensure that the plan gives effect to the NZCPS. Identifying significant indigenous biodiversity areas on maps and setting out the values and characteristics of those areas in a schedule also provides certainty to plan users when carrying out permitted activities or seeking resource consent.
- 30. As proposed Objective 8 and Policy 14 set out to protect significant indigenous biodiversity. However the provisions do not provide direction (such as criteria) to identify “significant indigenous biodiversity”. In order to give effect to section 6(c) of the RMA and Policy 11 of the NZCPS Forest & Bird consider it necessary for Taranaki Regional Council to set out clear criteria for the identification of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Coastal Plan. Without criteria in the plan as a mechanism for the identification of these important areas it is unclear how council will be able to protect them. Forest & Bird have therefore included in Appendix 2 suitable criteria for the identification of these areas based on accepted identification criteria (viz. representativeness, rarity/distinctiveness, diversity and pattern, ecological context etc.) as used in the Southland Regional Policy Statement.
- 31. The Taranaki coastal marine area provides habitat for a number of threatened, at risk and data deficient marine mammal and seabird species. Activities in the marine environment, including sea bed disturbance, noise, vibration and light can have significant, long term, and cumulative adverse effects, including effects which may be hard to quantify or determine with available information.
- 32. Forest & Bird has a number of concerns with Policy 14 of the Plan as proposed:
 - a. While Policy 14 as proposed reflects Policy 11 of the NZCPS, the areas of significant indigenous biodiversity it sets out to protect have not been identified.

- b. The current direction to maintain and enhance indigenous biodiversity in Policy 14 of the Plan is uncertain in terms of councils functions under s30(1)(ga) and is inappropriate for enhancement.
 - c. Council's functions to maintain biodiversity must be considered consistent with the definition of indigenous biological diversity in the RMA which is wider and less specific than the areas to be protected under Policy 11 of the NZCPS.
 - d. Forest & Bird supports the inclusion of policy direction to enhance biodiversity in the coastal environment, however we do not consider that Policy 14 provides for enhancement as it is limited to avoiding, remediating and mitigating adverse effects.
 - e. Adverse effect on marine mammal resting, feeding, and breeding areas and on bird roosting/nesting areas are not appropriate under clause (b), where those species are threatened, at risk or data deficient as adverse effect on them must be avoided to achieve the protection set out in clause (a).
33. Forest & Bird considers that overall the plan does not provide for the protection required by Policy 11 of the NZCPS. Because the plan provides for activities, without recognising that provision must on the basis of avoiding adverse effects of values to be protected.
34. A number of activities are permitted on the basis of a condition that the *"activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]"*
35. Forest & Bird has number of concerns with that condition and the approach to permitting activities in areas which may have values and characteristic which require protection under Policy 11 of the NZCPS.
- a. Firstly, it is council's responsibility to ensure the plan gives effect to the NZCPS. Effectively delegating the determination of adverse effect, on significant values which are to be protected by avoiding adverse effects, to plan users is not appropriate.
 - b. Secondly, people have different interpretations of whether the activity they propose will have an adverse effect.
 - c. Thirdly, most people are unlikely to be informed sufficiently to determine whether there are any threatened, at risk, or regionally distinctive species, the location of habitats of indigenous species or any rare and uncommon ecosystem types, including those identified in Schedule 4A, in the vicinity of their activity.
 - d. And fourth, the requirements of Policy 11 of the NZCPS are not met by only avoiding adverse effects on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem types, including those identified in Schedule 4A.
36. Policy 3 of the NZCPS directs a precautionary approach towards proposed activities where effects are uncertain and to the use and management of coastal resources potentially vulnerable to the effects from climate change. It appears climate change is already affecting the behaviour of marine mammals and sea bird species as ocean temperatures increase and breeding and feeding habitats are altered. The rules do not appear to have provided for this approach.
37. Forest & Bird encourage council to identify significant indigenous biodiversity areas including areas which provide for values of the coastal environment vulnerable to the effects of climate

change, so that permitted activities can be excluded from or restricted within these areas as necessary. This provides the most certainty to plan users. Alternatively council could limit the scale and types of activities permitted to ensure that permitted activities would not have adverse effects on significant indigenous biological diversity.

38. In a number of cases controlled rules provide for matters of control relating to “ecological effects”. However the RMA interprets biological diversity to mean: “the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, and of ecosystems”. It is not certain that a matter for control of “ecological effects” is sufficient for council to carryout its functions and responsibilities for indigenous biological diversity.

39. Relief sought:

- a. Amend Policy 14 by removing reference to maintaining and enhancing indigenous biodiversity and so that it sets the characteristics and values to be protected under Policy 11 of the NZCPS
- b. Amend Policy 14 or add a new policy which includes a criteria to identify significant indigenous biodiversity with those characteristics and values in Policy 14. Use the criteria provided in Appendix 2 of this submission.
- c. Ensure policy direction provides for integrated management and protection of significant indigenous biodiversity areas on land and in the CMA from adverse effects of activities in marine and terrestrial environments.
- d. Add a schedule of areas of significant indigenous biodiversity in the CMA identified using the criteria above, and which sets out the values and characteristics that contribute to significance of each area. Include the ‘significant coastal areas’ identified in the New Plymouth District Plan³. Also include the relevant Important Bird Areas for New Zealand Seabirds as show in Appendix 3 to this submission).
- e. Show the identified significant indigenous biodiversity areas on the Planning Maps.
- f. Amend Policy 14 to include guidance on relevant habitats under clause (a)(iv) for consistency with the approach under (b)(ii). In both cases include bird feeding areas.
- g. Add a separate policy for the maintenance and enhancement of indigenous biodiversity in the coastal environment.
- h. In the Rules, change “ecological effects” to “effects on indigenous biological diversity” in all matters for control.
- i. Amend permitted activities by replacing references to avoiding adverse effects on Policy 11 matters with permitted activities that limit the activity type, scale, and location to the extent that the activity will not have an adverse effect which is inconsistent with council’s responsibilities to achieve Policy 11 of the NZCPS.

Aquaculture

40. The Plan provisions do not provide for Aquaculture in appropriate places. The only specific reference to aquiculture is in Policy 5 which sets out to determine appropriate use and

³ Appendix 20- Significant Coastal Areas’ and ‘Volume 3- Maps’ in the New Plymouth District Plan, operative 15 August 2005

development. There are no rules specific to aquiculture activities, is therefore uncertain where Aquiculture is provided for in the Plan.

41. Forest & Bird is concerned that without direction in the Plan for aquaculture activities to be undertaken only in appropriate places as set out in Policy 8 of the NZCPS, proposals could be considered in inappropriate locations. Inappropriate places include areas of indigenous biodiversity, areas of outstanding natural character and outstanding natural features and landscapes and Historic heritage which require protection in the NZCPS.
42. As written it is very difficult to ascertain from Policy 5 whether aquaculture would be considered an appropriate activity in the CMA and in what discrete areas it would be provided for (or restricted from). While the s32 report notes that “Policy 5 generally recognises the benefits of and opportunities for ‘appropriate’ resource use and development in the coastal environment, including aquaculture” Forest & Bird consider that a ‘general recognition’ is an insufficient way to manage the effects of an activity with potentially significant adverse effects. It is also inconsistent with the direction provided in the NZCPS. Further, the directive nature of Policies 11, 13 and 15 in the NZCPS require that the plan define how the effects of aquaculture will be managed. Without a specific provision limiting aquaculture to well-defined ‘appropriate’ areas it will be extremely difficult to assess where aquaculture should be allowed.
43. Relief sought:
 - a. Include policy direction to identify appropriate places for Aquiculture
 - b. Until appropriate places are identified:
 - (i) exclude aquaculture activities in Outstanding Value areas, Estuaries Modified and Estuaries Unmodified
 - (ii) state that consent will not be granted for aquiculture in any area with the values and characteristic set out in Policy 14 (as amended to address the relief sought in these submissions)
 - (iii) Aquiculture proposals must also be consistent with other Policies 1-21 of the plan as a minimum

Appropriate use

44. Forest & Bird is concerned that Policy 5: Appropriate use and development of the coastal environment, would result in adverse effects on significant indigenous biodiversity, including adverse effects on threatened and at risk marine mammals, natural character, and natural features and landscapes of the coastal environment which require protection.
45. The approach set out is inconsistent with the RPS as it effectively determines an activity as appropriate without providing for protection. Under Policy 5 protection is to be achieved having regard to criteria. Where as, the RPS (Coastal CNC Policy 2) sets out direction for protection of natural character by having regard to criteria to determine appropriate use.
46. It is not appropriate to provide a policy which determines generally whether use and development of the coastal environment is “in an appropriate place and form and within appropriate limits”. This does not give effect to the NZCPS which provides more specific direction.
47. The NZCPS provides for certain activities (e.g. aquaculture and the operation of ports) in appropriate places and within appropriate limits, it also provides directive policies for protection of specific values and characteristics of the coastal environment. This includes:

- a. Objective 6, which specifically recognises that protection of the values of the coastal environment does not preclude use and development in appropriate places, forms and within appropriate limits.
 - b. Policy 6, which includes:
 - (i) Provision for development without compromising other values of the coastal environment and without compromising activities of national and regional importance that have a functional need to be in the CMA.
 - (ii) consideration where appropriate, to buffer areas and sites of significant indigenous biological diversity or historic heritage value.
 - (iii) Recognising activities that have a functional need to be located in the CMA and to provide for them in appropriate places.
 - c. Policy 7, which provides direction to the preparation of plans to identify areas where particular activities are inappropriate, and to provide for protection from inappropriate subdivision, use, and development in those areas through objectives, policies, and rules.
 - d. Policy 8, which requires regional coastal plans to provide for aquaculture activities in appropriate places.
 - e. Policy 9, which directs the consideration of when how and when to provide in plans for efficient and safe operation of ports and development for shipping and transport connection.
 - f. Policy 11, which directs the protection of indigenous biological diversity and sets out where adverse effects are to be avoided, significant effects are to be avoided, and other effects are to be avoided, remedied or mitigated.
 - g. Policy 13, which directs the protection of natural character from inappropriate subdivision, use, and development and sets out where adverse effects are to be avoided, significant effects are to be avoided, and other effects are to be avoided, remedied, or mitigated.
 - h. Policy 15, which directs the protection of natural features and landscapes from inappropriate subdivision, use, and development and sets out where adverse effects are to be avoided, significant effects are to be avoided, and other effects are to be avoided, remedied, or mitigated.
 - i. Policy 17, which directs the protection of historic heritage from inappropriate subdivision, use, and development by identification of sites, providing for integrated management and recognising conservation through inclusion of policies, rules, and methods in plans and sets out matters for consent conditions.
 - j. Policy 20, which directs the identification of locations where vehicular access is required and directs councils to make appropriate provision for such access.
48. The approach in Policy 5 of the Plan of determining appropriate use and development by having regard to the matters listed in the policy does not:
- a. Identify appropriate places or specify appropriate forms or limits
 - b. Identify any areas where particular activities are inappropriate
 - c. Identify appropriate places for aquaculture
 - d. Provide for protection set out in policies 11, 13, 15 and 17 of the NZCPS

- e. Appear to enable other plans to have regard to other matters relevant to activities landward of the CMA such as appropriate provision for vehicle access under Policy 20 of the NZCPS
 - f. Achieve the objectives of the Plan
 - g. Give effect to the NZCPS
49. Policy 11 of the NZCPS directs a higher level of protection than Policies 13, 15 and 17 as there is no consideration of whether an activity is inappropriate. Applying proposed Policy 5 in relation to Policy 11 of the NZCPS would not give effect to the NZCPS.
 50. Forest & Bird accepts that it is helpful to plan users to know whether the activity they wish to undertake is appropriate given the NZCPS direction to avoid inappropriate subdivision, use, and development. However the determination of 'inappropriate' must be considered on the basis of effects in locations, places or areas of the coastal environment and this makes it difficult to determine appropriateness on an activity basis. Forest and Bird has considered how the policy could be amended to address these issues as set out under relief sought below.
 51. The most practical and effective approach in our view is to identify the values and areas to be protected so that it is clear which locations are not appropriate places for subdivision, use, and development. However not all indigenous biodiversity to be protected under Policy 11 of the NZCPS can be identified within specific areas and council will still need to provide for protection through appropriate permitted activity conditions and consent processes.
 52. In addition to providing direction for activities under this coastal plan the regional and district councils will need to consider consistency with this policy when developing other regional plans and district plans in the coastal environment. In this respect the policy is uncertain and may result in inconsistent planning approaches and consent decision. Ultimately the application of Policy 5 will not achieve the sustainable management purpose of the RMA.
 53. Forest and Bird considered that the provision for new infrastructure under Policy 6 is not appropriate as proposed. This is because the terminology and scope are both uncertain and do not align with the NZCPS.
 54. Policy 6 uses different terminology to Policy 5, it requires "appropriate management". The term "management" implies that there are adverse effects to manage in some way. As such this recreates an inconsistency with policy direction to avoid adverse effects on the values under Policies 11(a), 13(1)(a) and 15(a) of the NZCPS. There is also some uncertainty to whether policy 5 is intended to provide guidance on what is "appropriate" under this policy.
 55. Resolving the inconsistencies of these terms is particularly important if policy direction to provide for "new" infrastructure is to be retained, as the NZCPS includes direction to identify areas where subdivision, use and development may be inappropriate. It would be inconsistent with the NZCPS to provide for 'new and existing infrastructure of regional importance or significance' over the direction to protect as set out in Policies 11, 13, 15 and 17 of the NZCPS.
 56. It is also uncertain as to what infrastructure can be considered under the policy as it includes "infrastructure of significance" which is not a defined term in the plan. Note that we address the definition of "Regionally important infrastructure" in Table 1.
 57. Forest & Bird accepts that it is appropriate to include policy direction to give effect to the NPS for Electricity Transmission (which provides direction for new and existing national grid infrastructure) and the National Environmental Standard for Electricity Transmission Activities (which provides regulations for the operational, maintenance and minor upgrading of existing national grid infrastructure). It is also appropriate to provide for the maintenance of existing

lawfully established infrastructure where the effects of maintenance are managed to avoid and avoid, remedy and mitigate adverse effects consistent with the NZCPS.

58. Relief sought:

1) Amend Policy 5 by:

- a. Amending the first sentence to state that "Activities may be considered appropriate, subject to Policies XX (list policies which give effect to the protection requirements of the NZCPS), having regard to the location, form and appropriate limits, including:"
- b. There are also a number of inconsistencies and uncertainties in the wording of (a) to (i) of Policy 5 which we address in more detail in Table 1 below.

2) Amend Policy 6 to:

- c. provide for new infrastructure as set out in the NPS ET,
- d. provide for activities regulated under the NES,
- e. provide for maintenance to enable the safe operation of existing regionally important infrastructure
- f. Consider providing for new regionally important infrastructure consistent with Policy 5 as amended above.
- g. Consider and provide for the activities above "subject to appropriate avoidance, remediation, or mitigation of adverse environmental effects."

Table 1. Submissions on specific Plan provisions

Provision	Oppose/Support	Reasons	Decision requested
1.4.2 The coastal environment	Support in part	Support the scope of the plan which includes objectives, policies and methods for integrated management. This recognises the effects activities undertaken on land can have on the CMA. It is also appropriate to capture the effects of activities undertaken in the CMA which extent beyond the CMA. However the latter is not clearly explained.	Clarify in the second paragraph that the rules in this plan apply to activities in the CMA, including where those activities may have an adverse effect on outstanding values and significant indigenous biodiversity values outside of the CMA.
1.7 Coastal management areas	Oppose	As set out under Key issues of this submission the coastal management approach is uncertain in the context of the coastal environment. It is unclear why coastal management areas do not apply to the full coastal environment.	If the coastal management area approach is retained, amend Section 1.7 to clarify how the coastal environment landward of the CMA is considered under this approach. Amend as necessary to ensure consistency with amendments sought to Policy 1 in this submission.
1.7.1 Outstanding Value	Oppose	The description of Outstanding Value management area is uncertain in the context of the NZCPS, in particular the directive policies to protection and preservation of outstanding natural character, natural features and landscapes. Clarify that these areas are identified in the plan within the CMA and	If the coastal management area approach is retained, amend Section 1.7.1 to: <ul style="list-style-type: none"> • clarify how this relates with the NZCPS and relevant policies in the Plan. • correct the reference from Schedule 1 to <u>Schedule 2</u>.

Provision	Oppose/Support	Reasons	Decision requested
		<p>where those areas extend beyond the CMA.</p> <p>The reference to Schedule 1 appears to be in error as the values and characteristic are set out in schedule 2.</p> <p>Also refer to the relevant policy(s) in the Plan which set out how these areas are to be identified.</p>	
1.7.2 Estuaries Unmodified	Oppose	<p>It is uncertain whether the identification of these estuaries as management areas was undertaken on the basis of the values and characteristics to be protected by provisions in the NZCPS. Natural character is an important value within estuaries. Clarify how this has been considered.</p>	<p>Clarify whether these areas are determined on the basis of values and characteristics under Policies 11, 13 and 15 of the NZCPS, or as the heading suggests, on the basis of modification.</p> <p>If the later, explain that the plan sets out to protect values and characteristics of these estuaries asset out in Policies 8, 9 and 14 (as amended to address our submissions on those policies).</p>
1.7.3 Estuaries Modified	Oppose	as above	<p>Clarify whether these areas are determined on the basis of values and characteristics under Policies 11, 13 and 15 of the NZCPS, or as the heading suggests, on the basis of modification.</p> <p>If the later, explain that the plan sets out to protect values and characteristics of these estuaries asset out in Policies 8, 9 and 14 (as amended to address our submissions on those policies).</p>
1.7.5 Open Coast	Oppose	<p>The statement that this area is not covered by other management areas is confusing because the same can be said for each management area. This should be clarified by clearly setting out the areas covered.</p>	<p>Amend to clarify whether the open coast is the remaining area of the CMA or coastal environment.</p> <p>Clarify how the values and characteristics to be protected under Policies 11, 13 and 15 of the NZCPS, will be provided for in these areas.</p>

Provision	Oppose/Support	Reasons	Decision requested
		Alternatively by stating that it is the remainder of the coastal environment within and whether this includes areas landward of the CMA.	
2.2 New Zealand Coastal Policy Statement	Oppose	<p>The first paragraph is misleading as NZCPS is not limited to “key national matters”. The purpose of the NZCPS is to achieve the purpose of Act in relation to the coastal environment. The NZCPS is to be implemented at the regional and district council level; such that plans must give effect to it and resource consent processes must have regard to it.</p> <p>The bullet point reflecting the matters set out in policy 11 of the NZCPS needs to recognise “protection” as this is a key aspect of the NZCPS.</p>	<p>Amend the first paragraph of Section 2.2 as follows: “The New Zealand Coastal Policy Statement 2010 (NZCPS) contains objectives and policies to address key national matters facing the coastal environment <u>and to achieve the purpose of the RMA. By giving effect to the NZCPS in this plan Councils responsibilities to provide for matters of national importance under s6 of the RMA is also achieved for the coastal environment..</u></p> <p>Amend Section 2.2 as follows: <u>“protection of indigenous biological diversity”</u></p>
2.5 Other legislation	Support in part	<p>It is helpful to explain that other legislation applies in the coastal environment. However it is not clear what relationship this has to the Plan.</p> <p>Policy 5 of the NZCPS also sets out direction for council to consider land or waters managed or held under other Acts.</p>	<p>Amend section 2.5:</p> <ul style="list-style-type: none"> to consider the legislation and Acts under Policy 5 of the NZCPS recognise the relationship between the Plan and the EEZ and how the Plan addresses, or not, the effects that extend beyond the CMA or into the CMA. explain the relationship between this plan and other Acts/legislation
3.1 Taranaki coastal environment:	Support in part	Providing an overview of the	Amend the third para in Section 3.1 to recognise

Provision	Oppose/Support	Reasons	Decision requested
		<p>Taranaki coastal environment and particular issues in the Taranaki region is helpful context for the Plan. However in setting out these issues and management considerations the significant natural values of the coastal environment as a matter of national importance must also be recognised.</p> <p>While there may low demand for activities in the CMA currently, Plan should also recognise that existing activities with CMA , past uses and activities beyond the CMA continue to put pressure on natural processes and result in a loss of significant and outstanding values in Taranaki’s coastal environment.</p> <p>Recognised the relationship between subdivision, use and development on land and the CMA.</p> <p>Recognise the effects of climate change and the need to provide for the habitat of coastal species, particularly adjacent to the foreshore to move landward.</p> <p>It is not appropriate to consider activities as “Appropriate use and development” on the basis of the benefits of the activities. Under</p>	<p>existing pressures on the coastal environment, including from beyond the CMA and that low current demand does not mean management of effects can be relaxed.</p> <p>Amend the text under “Integrated management” to recognise:</p> <ul style="list-style-type: none"> • the effects of subdivision, use and development on land in the coastal environment on the CMA. • that demand for activities in this area is high. • the need to provide for migration of coastal habitat landward as a result of climate change. <p>Delete the text under Appropriate use and development. Alternatively amend to address our submissions under Key Issues above, on this topic.</p> <p>Amend the text under “Natural and historic heritage”:</p> <ul style="list-style-type: none"> • in the first paragraph to include “intrinsic” in the list of values. • Either specify that natural heritage captures the characteristics and values in Policies 11, 13 and 15 of the NZCPS or use wording consistent with those policies.

Provision	Oppose/Support	Reasons	Decision requested
		<p>the NZCPS appropriateness must be determined within limits and places and in terms of providing protection of characteristics and values.</p> <p>As written it is not clear what provisions of the NZCPS are intended to be addressed under the “natural” part of Natural and Historic Heritage.</p> <p>Historic heritage must be provided for consistent with Policy 17 of the NZCPS.</p>	
Section 4 Objectives			
Objective 1: Integrated management	Support in part	An integrated management approach is supported however it is not clear that the objective is to integrate subdivision, use and development between district and regional functions.	Amend as follows: “Management of the coastal environment, including the effects of <u>subdivision</u> , use and development on land, air and fresh water, is carried out in an integrated manner <u>including between regional and district council functions.</u> ”
Objective 2: Appropriate use and development	Oppose	<p>As proposed this objective is inconsistent with the provisions of the NZCPS.</p> <p>While we support an approach for efficient use, efficient use does not make an activity appropriate. Nor does dependence make an activity appropriate. The objective does not appropriately provide for Policy 6(2) which provides that activities</p>	<p>Amend as follows: “Objective 2: Appropriate <u>Efficient</u> use and development Natural and physical resources of the coastal environment are used efficiently, and activities that depend on the use and development of these resources are provided for in appropriate locations.”</p>

Provision	Oppose/Support	Reasons	Decision requested
		<p>without a functional need should not generally be provided for in the CMA.</p> <p>Efficiency is to be promoted in the CMA under Policy 6(2)(e) of the NZCPS</p> <p>The objective appears to conflict with the King Salmon decision as discussed under Key issues of this submission above.</p>	
Objective 3: Reverse sensitivity	Oppose	<p>This objective is inconsistent with Policy 6(1)(e) of the NZCPS as it would prioritise the protection of existing lawfully established activities over the development of new regionally significant infrastructure.</p> <p>It may not always be appropriate to protect existing lawfully established activities from new use and development in the coastal environment. For example the provision for public access in the NZCPS which impacts on existing lawful uses may be appropriate to give effect to the NZCPS. Likewise a new activity or infrastructure may be appropriate in the location of an existing lawful activity and not in an area where other significant or outstanding vales are to be protected.</p>	Delete objective 2

Provision	Oppose/Support	Reasons	Decision requested
Objective 4: Life-supporting capacity and mauri	Support	<p>Life supporting capacity sets a clear objective for the quality of coastal water, land and air that sit to be safeguarded in the coastal environment.</p> <p>This objective is consistent with achieving Policy 21 of the NZCPS.</p>	Retain
Objective 5: Coastal water quality	Support	<p>It is necessary to maintain and enhance water quality in the coastal environment to give effect to the NZCPS. In some cases water quality will also need be protected as a significant/outstanding value or characteristic.</p> <p>To achieve this objective additional policy direction is required. This includes policy direction to set water quality standards for:</p> <ol style="list-style-type: none"> 1. lakes, rivers, streams and freshwater springs in the coastal environment 2. the sea, including sites/areas of significant indigenous biodiversity, sites where aquaculture activities are appropriate and within estuaries in the CMA 	<p>Retain the Objective</p> <p>Add new provisions as necessary to provide for integration with the approach to water quality and quantity management set out in the NPS FM and to ensure that the NZCPS is given effect. This will include establishing numeric and descriptive water quality objectives/targets and setting standards for water bodies, and estuaries and sites at sea, in this Plan.</p>
Objective 6: Natural character	Support in part	The objective gives effect to policy 13 of the NZCPS. However the objective is not consistent	<p>Amend as follows:</p> <p>“The natural character of the coastal environment is preserved and protected from inappropriate</p>

Provision	Oppose/Support	Reasons	Decision requested
		<p>with Policy 14.</p> <p>Policy 14 of the NZCPS sets out that natural character is to be restored/ rehabilitated by identifying opportunities for restoration, in particular in degraded areas requiring restoration.</p> <p>The NZCPS also includes “subdivision”. While this is not a regional council function, the plan clearly states that it provides for integrated management in the coastal environment and recognises effects of land use on the CMA.</p>	<p><u>subdivision</u>, use and development and is restored where <u>degraded</u> appropriate.”</p>
<p>Objective 7: Natural features and landscapes</p>	<p>Support</p>	<p>Policy 15 of the NZCPS includes “subdivision”. While this is not a regional council function, the plan clearly states that it provides for integrated management in the coastal environment and recognises effects of land use on the CMA.</p>	<p>Amend as follows: “The natural features and landscapes of the coastal environment are protected from inappropriate <u>subdivision</u>, use and development.”</p>
<p>Objective 8: Indigenous biodiversity</p>	<p>Oppose</p>	<p>As written the objective is not consistent with Policy 11 of the NZCPS which sets out to protect indigenous biodiversity.</p> <p>In addition the policy framework does not reflect the need to identify areas of significant biodiversity, or values and characteristic of biodiversity under policy 11 of the NZCPS to</p>	<p>Amend to read: “protect indigenous biodiversity in the coastal environment”</p>

Provision	Oppose/Support	Reasons	Decision requested
		protect and maintain as set out in the Objective.	
Objective 11: Historic heritage	Support	The objective is consistent with Policy 17 of the NZCPS.	Retain
Objective 12: Public use and enjoyment	Support in part	The objective provides for aspects of Policies 16, 18, 19 and 20 of the NZCPS. It would be improved by specifically recognising the other matters which are to be provided for or restricted in relation to public use and access of the coastal environment.	Amend to recognise additional matters set out in the NZCPS in the following policies: Policy 16 (a); Policy 18(a),(b),(d) and (e); Policy 19(1), (3) and (4); and Policy 20
Objective 13: Coastal hazard risk and public health and safety	support in part	The objective does not provide an integrated approach to natural hazard risk or health and safety in the coastal environment. Consider amendment which provides general objective a) for coastal environment and separate b) for CMA.	Amend the objective consistent with an integrated management approach to the coastal environment and to reflect the matters set out in Policies 24, 25, 26 and 27 of the NZCPS.
Section 5 Policies			
5 Policies, page 19 – introduction summary	Support in part	The introduction to the 5.1 policies fails to recognise policies 11, 13 and 15 of the NZCPS which provide for the protection of significant and outstanding natural values.	Amend the 5.1 policies summary introduction on page 19 as follows: “Section 5.1 contains...which relate to: 1. ... <u>1A. protection of significant and outstanding values and characteristics of the coastal environment</u> 2. ...”
5.1. General policies 1-5			
5.1. General policies – introduction	Support in part	The policies approach capturing	1. Amend the first paragraph

Provision	Oppose/Support	Reasons	Decision requested
<p>paragraphs page 20</p>		<p>the full coastal environment provides for integrated management consistent with the NZCPS.</p> <p>However the introduction does not clearly describe the extent of the coastal environment and the reliance on coastal management areas contradicts the intent that the policies apply to the coastal environment.</p> <p>Paragraph 1 refers to the “management of significant values” however the policies do not set out direction on significant values. It is common in giving effect to polices 11(a), 13(1)(a) and 15(a) of the NZCPS to refer to those values as significant and outstanding. The NZCPS provides for the protection of these values rather than the management of them.</p> <p>Paragraph 2 is uncertain as it is not clear how the policies apply to activities which are not specifically in a coastal management area. Depending whether the coastal management areas include the full coastal environment or just the CMA. The</p>	<p>“This section provides the overall direction for achieving integrated management <u>for the protection of significant and outstanding values</u> and matters in the coastal environment (i.e. both the coastal marine area and areas <u>landward</u> where coastal processes, influences or qualities are significant) in order to achieve the objectives of this Plan.”</p> <p>2. Amend the second paragraph as follows: “The policies apply to all activities in the coastal environment, regardless of which coastal management area the activity may fall within (coastal management areas are identified in Schedule 1 and their characteristics are described in Policy 1).”</p> <p>2. Add reference to the extent of the coastal environment set out on the planning maps.</p> <p>3. Amend the planning maps:</p> <p>a. Amend the maps to identify the extent of the coastal environment</p> <p>b. Alternatively amend the maps to identify an indicative extent of the coastal environment.</p> <p>c. Support an indicative extent with policy direction to confirm the extent of the coastal environment such that in being consistent with the coastal plan district councils will identify this within district plans using a criteria set out in Policy 4 of this plan.</p> <p>d. Amend the introduction to clarify the extent of the coastal management areas.</p> <p>e. Amend the reference to Schedule 1 to clarify that the schedule lists Policy 1(a), (b), (c) and (e) areas with</p>

Provision	Oppose/Support	Reasons	Decision requested
		second paragraph is also misleading as Policy 1 does not appear to capture the entirety of the coastal environment within the coastal management areas described. Other than (a) Outstanding Value the characteristics for management areas and the identified areas set out in schedules relate to the coastal main area. In addition the maps do show the extent of the management areas.	links to the planning maps and that the Open Coast management area is not identified.
New policies to achieve Objective 5		Add new policies to achieve Objective 5 in the Plan for water quality in the coastal environment to achieve integrated management with the NPS FM and Policy 21 of the NZCPS.	Include policy direction to set water quality targets and standards for freshwater and coastal water in the coastal environment to ensure that upstream water quality does not result in adverse effects in the coastal environment that are inconsistent with giving effect to the NZCPS.
Policy 1: Coastal management areas	Oppose	Forest and Bird has set out its key concerns with the Coastal management area approach under Key issues submission above.	Delete Policy 1 Alternatively amend to address concerns set out in Key issue submissions above and amendments suggested to specific wording of the policy below. Consider amending the description of the management approach in Section 1.7 to clarify matters raised in these submission that are not necessary to set out in the policies.
Policy 1 (a): Outstanding Value	Oppose	This policy is inconsistent with the	Amend 1(a) to read: "Outstanding Value: <u>These</u>

Provision	Oppose/Support	Reasons	Decision requested
		<p>definition for Outstanding values which does not include marine reserves.</p> <p>Marine reserves have been identified separately on the planning maps. While the current reserves and protected areas appear to fall within outstanding value areas the Policy should not imply that an outstanding value area or a reserve is determined on the basis of the other being in the same location. It appears inconsistent with the NZCPS and unnecessary to include marine protection areas under policy 1(a). Rule which provide for consideration of activities in Outstanding value areas should specifically protect marine reserves through conditions and restrictions on activities which can be considered.</p>	<p><u>coastal management areas represent those areas that have been identified to meet the criteria under policy 8: Outstanding Natural Character and policy 9 Outstanding Natural Features and Landscapes. They are listed in schedule 1(a) and shown on the Planning maps. The values and characteristics of these identified areas are set out in schedule 2.</u></p> <p>Provide for the protection of Marine reserves and Protected marine areas under relevant policies which provide for the protection of the values of those areas and setting out restrictions in rules as necessary. Include specific provisions for these areas if necessary.</p>
Policy 1(b): Estuaries Unmodified	Oppose	<p>The policy is uncertain as to whether the values and criteria set out are to determine which estuaries fit under this provision or for the protection of the values in these estuaries.</p> <p>As the values and characteristics do not adequately in terms of Policy 11 of the NZCPS.</p>	<p>Amend Policy 1(b) to read: “Estuaries Unmodified: <u>These coastal management areas are those estuaries that are permanently open to tidal movements. These areas do not include estuaries identified as Outstanding value areas.</u></p> <p><u>They are listed in schedule 1(b) and shown on the Planning maps.</u></p> <p><u>In determining the values and characteristic in these estuaries have particular regard to Policy 14 Indigenous Biodiversity, Policy X High natural character, Policy X other natural character, Policy X</u></p>

Provision	Oppose/Support	Reasons	Decision requested
		<p>The relationship between natural value areas which may include estuaries and unmodified estuary management areas is not clear.</p> <p>It is not clear whether all unmodified estuaries (other than those in Outstanding Value management areas) are captured under this management area.</p> <p>Estuary unmodified is already defined as being those in Schedule 1 so any characteristics here only make the definition uncertain.</p>	<p><u>other natural features and landscapes and Policy XX water quality.”</u></p>
Policy 1(c): Estuaries Modified	Oppose	<p>It is not clear whether all Modified estuaries are identified as part of this management area.</p> <p>Estuary unmodified is already defined as being those in Schedule 1 so any characteristics here only make the definition uncertain.</p>	<p>Amend Policy 1(c) to read: “Estuaries Modified: <u>These coastal management areas are those estuaries that are permanently open to tidal movements and have been modified. These areas do not include estuaries identified as Outstanding value areas or Estuary Unmodified.</u> <u>They are listed in schedule 1(b) and shown on the Planning maps.</u> <u>In determining the values and characteristic in these estuaries have particular regard to Policy 14 Indigenous Biodiversity, Policy X High natural character, Policy X other natural character, Policy X other natural features and landscapes and Policy XX water quality.”</u></p>
Policy 1(d): Open Coast	Oppose	The area of coast to which this clause (d) of Policy 1 applies is	Amend Policy 1(d) to read: “Open Coast: <u>This coastal management are represents the remaining areas of</u>

Provision	Oppose/Support	Reasons	Decision requested
		<p>particularly uncertain. As area is to be determined by elimination, such that is it not already identified in Policy 1 and secondly by its characteristics. The question arises as to area of the coast to which neither apply.</p> <p>It is necessary to clarify the extent of this area as the policies in section 5.1 apply to the whole coastal environment.</p> <p>Clarify whether estuaries which are not permanently open to the sea are included.</p> <p>Section 1.7.5 of the plan states that the “open coast” is the area of the CMA not covered by other management areas”.</p> <p>In particular it is not clear whether “open coast” includes the foreshore or landward of the CMA.</p>	<p><u>the coastal marine area not identified in (a),(b),(c) and (e) of this Policy, this includes estuaries which are not permanently open to the sea.</u></p> <p><u>All other policies of the plan are relevant to determining values and characteristics of the coastal environment in this area.”</u></p>
Policy 1(e): Port	Oppose	<p>It is important to identify the key characteristics, values and uses of these areas which the policy seeks to manage through the coastal management area approach.</p> <p>Clarify that the area is established from the Ports consent to occupy space in the CMA until 2026 (as set out in operative plan Policy 1.1(c)vii).</p>	<p>Amend Policy 1(e) to read: “Port Taranaki”: <u>This coastal management area represents the operational management area of Port Taranaki. The operational considerations and provisions for development capacity are set out in Policy X.</u></p> <p><u>In determining the values and characteristic in these estuaries have particular regard to Policy X Port of Taranaki, Policy 14 Indigenous Biodiversity, Policy X High natural character, Policy X other natural character, Policy X other natural features and landscapes and Policy XX water quality.”</u></p>

Provision	Oppose/Support	Reasons	Decision requested
		<p>The statement in clause (iii) that the area “contains port related activities that are accepted as appropriate uses of this coastal management area” is unclear as the plan does not set out policy direction to determine such activities.</p> <p>This policy is uncertain as appears to confuse its purpose of identifying the management area with activities and matters recognised in Policy 9 of the NZCPS.</p>	<p>Add a new Policy X specific to the Port of Taranaki consistent with Policy 9 of the NZCPS.</p>
<p>Policy 2: Integrated management</p>	<p>Support in part.</p>	<p>Forest and Bird support the inclusion of a policy setting out how integrated management is to be achieved. However the policy as proposed is uncertain in terms of giving effect to Policies 4 and 5 of the NZCPS and is not consistent with the purpose of the RMA set out in section 5.</p> <p>Clause (a) is uncertain as section 5 of the RMA sets out responsibilities to address adverse effects on the environment. The NZCPS also sets out direction to avoid adverse effects. While positive and negative effects of proposals can be considered under s104 of the RMA this is not a direction to</p>	<p>Amend clause (a) of Policy 1 as follows: “(a) implementing policies under section 5.1 of the Plan in managing the <u>location, form and limits</u> effects of activities (positive and negative) undertaken in the coastal marine area <u>to protect and preserve the indigenous biodiversity, natural character, natural feature and landscape</u> on <u>significant</u> values and characteristics of the wider coastal environment;”</p> <p>Add a new clause for the reverse of clause (a), to provide for the integration of activities on land that may adversely affect these values in the coastal marine area.</p> <p>Amend clause (b) by deleting the word “manage”</p> <p>Amend clause (d) or schedule 1 to specify which</p>

Provision	Oppose/Support	Reasons	Decision requested
		<p>manage a positive effect.</p> <p>As set out in relation to Appropriate activities key issues comments, “managing” effects is not certain when “avoidance” is required by the NZCPS.</p> <p>As set out in relation to 5.1 the plan does not currently include any policy direction to determine “significant values”, however it commonly is intended to capture Policy 11(a) of the NZCPS or s6(c) of the RMA. The implication that effects on significant values are the only considerations is not consistent with giving effect to the NZCPS. Integrated management must be undertaken consistent with achieving protection required under Policy 11, 13 and 15.</p> <p>Clause (c) is uncertain as it includes a term for which does not have a common meaning</p> <p>Clause (e) is supported in part, for consistency it needs to include where significant indigenous biological diversity (consistent with Policy 11 of the NZCPS) has been identified in other plans.</p>	<p>areas have legal protection.</p> <p>Amend clause (e) to include where significant indigenous biological diversity (consistent with Policy 11 of the NZCPS) has been identified in other plans.</p> <p>Amend clause (g) to provide for collaboration consistent with policy 4 and 5 of the NZCPS.</p>

Provision	Oppose/Support	Reasons	Decision requested
		Clause (g) is uncertain as it appears to limit collaboration to Policy 15 matters which relates to historic heritage. It is also appropriate to provide for wider collaboration to give effect to the NZCPS.	
Policy 3: Precautionary approach	Oppose	<p>The NZCPS doesn't mention adaptive management at all, so the wording "which may include using an adaptive management approach" here is inconsistent and should be removed. In addition, a precautionary approach does not include adaptive management, as adaptive management is not inherently "precautionary" (it is instead a 'trial and error approach').</p> <p>There is also a failure to provide for Policy 3(2) of the NZCPS here, as there's no mention of a precautionary approach being taken in regards to effects of climate change.</p>	Remove reference to adaptive management. Reword to give effect to Policy 3 of the NZCPS and by including reference to the effects of climate change.
Policy 4: Extent and characteristics of the coastal environment	Oppose	<p>The policy is uncertain and does not give effect to the NZCPS.</p> <p>Clause (a) appears to be a summary of Policy 1 of the NZCPS however it fails to capture the extent and characterises to be recognised. In particular there is no recognition of habitats of</p>	<p>Amend Policy 4 to capture the extent and characteristics in Policy 1 of the NZCPS.</p> <p>Alternatively amend the policy to refer to the extent of the coastal environment set out on the planning maps and that the maps identified the extent consistent with the extent and characteristic in policy 1 of the NZCPS within Taranaki. Allow that case by case consideration may be undertaken through</p>

Provision	Oppose/Support	Reasons	Decision requested
		<p>indigenous coastal species including migratory birds.</p> <p>Clause (b) is uncertain as it applies to significant values, however there is no policy direction in the proposed plan to identify significant values or characteristics landward of the CMA. Nor does the plan provide for this within the CMA.</p> <p>Clause(b) suggests a limitation on the extent of the coastal environment based on effects from activities within the CMA. This approach is not consistent with Policy 1 of the NZCPS</p> <p>As written the policy prevents district councils from identifying the extent of the coastal environment within a district plan or on planning maps for the region. While provision should be retained for case by case consideration, to effectively provide for permitted activities within the coastal environment and ensure that plans give effect to the NZCPS, regional and district councils should work together to identify the extent of the coastal environment such that it can at least be indicatively identified in planning maps including in district</p>	<p>consent processes consistent with in Policy 1 NZCPS.</p>

Provision	Oppose/Support	Reasons	Decision requested
		plans.	
Policy 5: Appropriate use and development of the coastal environment	Oppose	<p>In addition to the reasons and relief sought on the policy in Key Issues to this submission, there are uncertainties with the wording.</p> <p>Amend the words “appropriate places” to “appropriate locations” for consistency with wording in other provisions in the plan.</p> <p>Clause (b) suggests that aquiculture may be appropriate on the basis of benefits from the activity. This is too general to give effect to the direction of the NZCPS which provides for aquiculture in appropriate places under Policy 8 of the NZCPS.</p> <p>Clause (j)(ii) reference to Policy 1 is not appropriate as that policy does not set out the values and characteristics which require protection under the NZCPS.</p>	<p>Amend this policy as sought in Key issues part of this submission</p> <p>Amend Clause (b) to recognise the potential for renewable energy consistent with policy 6(2)(a) of the NZCPS and if necessary to provide for Policy 8(c).</p> <p>Delete the reference to the potential of aquiculture as this is uncertain without identification of appropriate places.</p> <p>Amend clause (j)(ii) by deleting “with particular reference to Policy 1”</p> <p>Amend the words “appropriate places” to “appropriate locations” for consistency with wording in other provisions in the plan.</p>
Policy 6: Activities important to the well-being of people and communities	Oppose	<p>The policy is not consistent with Policies 6 and 7 of the NZCPS as it does not recognise identified areas where particular activities, subdivisions, use or development are inappropriate or limit the provision of new infrastructure to appropriate places.</p>	<p>Amend as sought in Key Issues of this submission.</p>
Policy 8: Areas of outstanding value	Oppose	<p>Limiting the policy to areas</p>	<p>Amend Policy 8 as follows: “Protect the visual quality</p>

Provision	Oppose/Support	Reasons	Decision requested
		identified in schedule 1 does not enable additional areas identified as outstanding to be protected.	and the physical, ecological and cultural integrity of coastal areas of outstanding value, <u>including those areas</u> identified in Schedule 1, from inappropriate use and development by: (a) avoiding adverse effects of activities on the values and characteristics, <u>including those</u> identified in Schedule 2, that contribute to areas: ...”
Policy 9: Natural character and natural features and landscapes	Oppose	The policy does not provide for avoidance of adverse effects out outstanding values which may not be identified in schedule 2. The matters to have regard are not consistent with directive policies for protection. Clause (v) is particularly uncertain as the provisions do not currently identify significant areas of vegetation, nor does it reflect the protection required by Policy 14 of the plan. Biodiversity may not need to contain significant values to be important for natural character or landscape reasons.	Amend Policy 9 to include an additional clause reflecting Policy 13(1)(a) and 15(a) of the NZCPS: <u>“(x) avoiding adverse effects of activities on natural character of the coastal environment with outstanding natural character and on outstanding natural features;”</u> Amend clause (v) as follows: <u>“maintains the integrity of significant areas of indigenous vegetation, protects significant indigenous biodiversity and maintains or enhances indigenous biodiversity;”</u>
Policy 10: Restoration of natural character	Support	restoration is an important consideration under the NZCPS	Retain
Policy 11: Coastal water quality	Support in part	The policy generally reflect policy 21 of the NZCPS. However it does not direct the need to set limits and targets to be identified under	Retain and add additional policy sought above.

Provision	Oppose/Support	Reasons	Decision requested
		<p>Policy 7(2) of the NZCPS, necessary to achieve integrated management with the requirements of the NPSFM.</p> <p>A new policy is sought to address these concerns and achieve Objective 5 of this plan (refer above to section 5.1 submission)</p>	
<p>Policy 14: Indigenous biodiversity</p>	<p>Support in part</p>	<p>The policy is generally consistent with Policy 11 of the NZCPS and the additional to the wording in the clauses clarifies habitats and values in the Taranaki region. However the wording in clause (a)(iii) limits the protection of indigenous ecosystems and vegetation types to those identified in schedule 4A of the proposed plan. This limitation is not appropriate as it does not allow for consideration of ecosystem types or vegetation which may be identified as threatened or naturally rare at a later date.</p> <p>The Policy does not set out to identify areas with significant values. It is particularly uncertain under the policy how the avoidance of adverse effect on Policy 11(a) areas and the avoidance of significant adverse effects on Policy 11(b) areas will be achieved to give effect to the</p>	<p>Amend Policy 14 clause (iii) as follows: “indigenous ecosystems and habitats found only in the coastal environment and which are particularly vulnerable to modification including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass, saltmarsh, and sensitive marine benthic habitats as, including those identified in Schedule 4B;</p> <p>Amend Policy 14 or add a new policy to identify areas of significant indigenous biodiversity including criteria as sought in out submissions under Key Issues above.</p>

Provision	Oppose/Support	Reasons	Decision requested
		NZCPS.	
Policy 18: Amenity values	Support in part	Maintenance an enhancement of amenity is generally consistent with the NZCPS, however it is not clear whether these areas are to be identified in terms of significant indigenous biodiversity values.	Retain and amend to recognise amenity values associated with protecting indigenous biodiversity
Policy 19: Surf breaks and Significant Surfing Area	support	Many surf breaks are important to the natural character of the coastal environment.	retain
Policy 21: Natural hazard defences	support	natural defences are important to the natural character of the coastal environment and to provide for increased effects of climate change.	retain
Section 5.2 Activity – based policies			
Policy 22: Discharge of water or contaminants to coastal waters	support	The direction under (a)(i) provides for protection consistent with Policies 11, 13 and 15 of the NZCPS.	retain the policy
Policy 23: Discharge of untreated human sewage	Support	The policy is consistent with Policy 23 of NZCPS	retain
Policy 24: Discharge of treated wastewater containing human sewage	Support in part	The policy appears consistent with Policy 23 of NZCPS, however it is not clear if the policy provides for a discharge on the basis of appropriate consultation rather than avoidance of effects required by directive policies of the NZCPS.	Amend to ensure that such discharges will not occur where they would result in adverse effects that are to be avoided.

Provision	Oppose/Support	Reasons	Decision requested
Policy 25: New discharges of wastewater containing human sewage	Support in part	The policy needs to be worded to give effect to the directive policies of the NZCPS, including avoiding the effect on matters set out in Policies 11, 13 and 15 of the NZCPS.	Amend to ensure that such discharges will not occur where they would result in adverse effects that are to be avoided.
Policy 26: Improving existing wastewater discharges	Support in part	Improving discharges will enhance environmental values.	Add a new clause giving priority to improving water quality in outstanding and significant areas to give effect to policies 11, 13 and 15 of the NZCPS.
Policy 27: Discharge of stormwater	Support in part	It is not clear whether this will have particular regard to the matters set out in clause (1) of Policy 23 of the NZCPS. As written the policy is uncertain as the matters to be “appropriately managed” suggest a management approach rather than avoidance required by Policies 11, 13 and 15 of the NZCPS.	Amend Policy 27 to include matters set out in Policy 23 (1) of the NZCPS
Policy 28: Harmful aquatic organisms	Support in part	The “minimises” approach is uncertain in the context of protection required under Policy 11 and 13 of the NZCPS. Both the introduction into an area of indigenous biological diversity or potential for spread from it being introduced elsewhere to such an area should have an avoidance approach.	Amend Policy 28 to include an avoidance approach where the introduction of harmful aquatic organisms have potential to adversely affect indigenous biological diversity.
Policy 29: Impacts from offshore petroleum drilling and production	Support in part	Clarify that this policy relates to existing lawful petroleum drilling and production only.	Clarify that this policy relates to existing lawful petroleum drilling and production only and does not include new activities.

Provision	Oppose/Support	Reasons	Decision requested
		A management approach to “avoid, remedy or mitigate adverse effects” is not appropriate to achieve protection required by policies 11, 13 and 15 of the NZCPS.	
Policy 31: Structures that support safe public access and use, or public or environmental benefit	Support in part	The current policies do not provide adequate direction on “appropriate locations” to achieve protection of Policies 11, 13 and 15 of the NZCPS. In clause (d) of “nationally” is not defined in the plan, rather it is included in the definition of “regionally important.	Amend Policy 5 as sought to clarify locations subject to the protective policies in giving effect to the NZCPS
Policy 32: Placement of structures	Support in part	Clause (c) - The current policies do not provide adequate direction on “appropriate locations” to achieve protection of Policies 11, 13 and 15 of the NZCPS. Clause (d) - A management approach to “avoid, remedy or mitigate adverse effects” is not appropriate to achieve protection required by policies 11, 13 and 15 of the NZCPS.	Amend Policy 5 as sought to clarify locations subject to the protective policies in giving effect to the NZCPS. Amend Policy 32 (d) as follows: “will be designed, located and managed; <u>A. to avoid adverse effects in accordance with policies 8, 9, 14</u> [list policies that give effect to Policies 11, 13 and 15 of the NZCPS]; and <u>B, so as to avoid, remedy or mitigate:”</u> (i) any...”
Policy 33: Hard protection structures in coastal areas of outstanding value	Support in part	Activities such as reclamation, hard protection structures, disturbance and weirs within the CMA can have significant impacts on the habitats of flora and fauna within the wider coastal	Amend Policy 33 as follows: “Hard protection structures located within the coastal management area – Outstanding Value (identified in Schedule 2) will not have an adverse effect on the values and characteristics, <u>including those</u> identified

Provision	Oppose/Support	Reasons	Decision requested
		<p>environment. Not all values or characteristic contributing to the outstanding natural character of identified areas, which requiring protection, are identified in Schedule 2.</p> <p>Limiting the policy to schedule 2 areas is not appropriate to achieve protection required by policies 11, 13 and 15 of the NZCPS.</p>	<p>in Schedule 2, that contribute to an area having outstanding value, in accordance with Policy 8.”</p> <p>Add a similar policy for sites and areas with significant values identified under Policy 14 of the Plan</p>
Policy 34: Appropriateness of hard protection structures	Oppose	<p>The policy direction on “appropriateness” is uncertain in the context of the NZCPS which requires plans to provide direction on inappropriate locations/places.</p> <p>Make policy for hard protection structures and then set out policy direction consistent with NZCPS.</p>	Amend Policy 33, 34 or add a new policy to ensure that hard protection structures avoid adverse effects on indigenous biodiversity to be protected under Policy 14 of the plan.
Policy 35: Temporary hard protection structures	Oppose	This policy is uncertain in terms of achieving protection required by policies 11, 13 and 15 of the NZCPS.	Amend the policies to ensure that hard protection structures avoid adverse effects on indigenous biodiversity to be protected under Policy 8, 9 and 14 of the plan.
Policy 36: Maintenance, repair, replacement and minor upgrading of existing structures	Oppose	The effects of the activities provided for are not adequately addressed by the policy. It would be inconsistent with the NZCPS to allow adverse effects on values that are to be protected and would create an inconsistency between other provisions in this plan. It is necessary to ensure	<p>Amend Policy 36 as follows:</p> <p>“Maintenance, repair, replacement and minor upgrading of existing lawful structures and reclamations will be allowed;</p> <p><u>A. where it does not increase the scale of significance of the effects of the activity or structure; and</u></p>

Provision	Oppose/Support	Reasons	Decision requested
		that the scale and effects are not increased through the activities proved for. “appropriate management of effects” is uncertain without the amendments sought in this submission to Policy 5. The inclusion of “reclamation” in addition to structures is uncertain.	<u>B.</u> in order to: (a) enable compliance...”.
Policy 37: Alteration or extension of existing structures	Oppose	The policy is not consistent with achieving protection of values and characteristics of the coastal environment where the avoidance of adverse effects is required by policies 11(a), 13(1)(a) and 14(a) of the NZCPS.	Amend Policy 37 as follows: “Major alteration or extension of existing lawful structures will be <u>considered -allowed</u> in <u>appropriate</u> locations where the activity will <u>avoid adverse effects consistent with protection required under policies 8, 9 and 14</u> [list policies that give effect to Policies 11, 13 and 15 of the NZCPS], <u>and where the activity will not have significant adverse effects on other lawfully established structures or uses, and alteration or extension values and will:</u> (a) result in greater...”
Policy 38: Removal of coastal structures	Support	The removal of redundant structures is consistent with the NZCPS.	retain
Policy 39: Occupation	support	Useful to have a definition	retain
Policy 40: Disturbance, deposition and extraction in marine areas with legal protection	Support	Disturbance activities can have adverse effects on marine species and habitats.	retain
Policy 41: Provision for disturbance, deposition or extraction activities that provide public or environmental benefit	Support in part	Support where this is necessary for safely and operative of existing infrastructure and existing activities of public and	Amend to clarify that natural values includes significant indigenous biodiversity consistent with policy 14 of the plan.

Provision	Oppose/Support	Reasons	Decision requested
		<p>environmental benefit.</p> <p>As written the policy implies a potential for trading off adverse effects on some environmental values to enhance others and where the activity is for public benefit.</p> <p>“appropriate management” is uncertain without the amendments sought in this submission to Policy 5.</p> <p>The protection of natural values is sported however this is uncertain in the contest of policy 14 which requires protection of significant indigenous biodiversity and does not refer to “values”.</p>	<p>Amend Policy 5 as sought to clarify places subject to the protective policies in giving effect to the NZCPS</p>
<p>Policy 42: Disturbance of the foreshore or seabed</p>	<p>Oppose</p>	<p>Disturbance of the foreshore or seabed can have adverse effects on values and characteristics to be protected under Policies 11, 13 and 15 of the NZCPS</p> <p>As worded the policy does not ensure the avoidance of adverse effects required under those policies. In particular the limitations in (a) to site specific values is uncertain as effects of disturbance can be wider than the site of the activity.</p>	<p>Amend the policy to ensure activities avoid adverse effects as required by Policies 11, 13 and 15 of the NZCPS.</p>

Provision	Oppose/Support	Reasons	Decision requested
		Clauses (b) and (c) do meet the requirement to avoid adverse effects as set out in those NZCPS policies.	
Policy 43: Port dredging	Support in part	The wording in (d) is uncertain in avoiding adverse effects required by Policies 11, 13 and 15 of the NZCPS. The policy may provide for this is the activities occur only in appropriate locations under clause (b).	Amend Policy 43 (b) to refer to “appropriate locations” rather than “areas” so that this can be guided by Policy 5 in the plan.
Policy 44: Extraction or deposition of material	Support in part	The use of the term “should” is uncertain, particular in providing protection required by Policies 11, 13 and 15 of the NZCPS	Amend Policy 44 as follows: Extraction of sand, shingle, shell and other natural material from the foreshore or seabed, or deposition of material on the foreshore or seabed, not provided for by Policies 39, 40, and 42 will should: (a) be undertaken...”
Policy 45: Appropriateness of reclamation or drainage	Oppose	The policy direction on “appropriateness” is uncertain in the context of the NZCPS which requires plans to provide direction on inappropriate locations/places. The policy does not clearly require a functional need.	Amend Policy 45 (a) and (b) to refer to “functional need” so that this can be guided by Policy 5 in the plan. Amend Policy 45 by including a clause that the activity will be in an appropriate location. Amend Policy 5 as sought to clarify places subject to the protective policies in giving effect to the NZCPS
Policy 46: Design of reclamation	support in part	Policy 46 is not appropriate on the basis of Policy 45 as proposed for the reasons set out above.	Amend the policy to provide for protection required by Policies 11, 13 and 14 of the NZCPS. Alternatively retain policy 46 as worded and amend Policy 45 and Policy 5 as sought in this submission.
Policy 47: Taking and use of coastal water or taking of heat or energy from coastal water	Support	the avoidance of adverse effects is supported	retain

Provision	Oppose/Support	Reasons	Decision requested
Policy 48: Damming or diversion of coastal water	Oppose	The use of the term “should” is uncertain, particular in providing protection required by Policies 11, 13 and 15 of the NZCPS	Amend Policy 48 by changing the word “should” to “will”
Policy 49: Noise and vibration	Oppose	<p>Marine mammals are particularly sensitive to noise and vibration and can be adversely affected at significant distances from the source of activities which cause noise and vibration.</p> <p>The wording “managed to minimise” not only implies that there are adverse effects to manage in some way, but that they do not have to be avoided.</p> <p>The RMAs16 provides direction for avoidance of unreasonably noise in relation to occupiers of land However this does not limit plans in prescribing noise standards. Nor does this prevent the consideration of an inappropriate location on the basis of achieving the protective policies 11, 13 and 14 of the NZCPS.</p>	<p>Provide a policy which sets out that Noise and Vibration will avoid adverse effects on marine mammals and species to be protected under Policy 8, 9 and 14 of the Plan. Amend Policy 49 as follows (or similar):</p> <p>“Noise and vibration from activities undertaken in the coastal marine area, including underwater activities, will:</p> <p><u>(a) avoid void adverse effects on marine mammals and fish species consistent with policies 8, 9 and 14 [list policies that give effect to Policies 11, 13 and 15 of the NZCPS]; and</u></p> <p><u>(b) be managed to avoid, remedy or mitigate otherminimise adverse environmental effects.</u></p>
6 Methods of implementation			
general	Support	Generally support the inclusion of non-regulatory methods. This	retain

Provision	Oppose/Support	Reasons	Decision requested
		approach supports integrated management over the whole coastal environment.	
6.1 General	Support in part	There are other Acts of relevance where council should be seeking integrated management with responsibly agencies	1.g) should include the Marine Mammal Protection Act 1978, Wildlife Act 1953 and Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012
6.2 Management of the coastal environment	Support in part	8. is uncertain in terms of how the plan will implement provisions for the protection of indigenous biological diversity. The implantation approach could be interpreted as inconsistent with the 5.1 policies for natural environment.	Amend as follows: “8 Implement Plan objectives, policies and methods of implementation that recognise different coastal processes, values, and uses, and which allow, regulate or prohibit activities in; 1. the following coastal management areas: a) Outstanding Value b) Estuaries Unmodified c) Estuaries Modified d) Open Coast e)Port-; and <u>2. areas identified as having:</u> <u>1) significant indigenous biodiversity values under Policy 14</u> <u>2) areas with natural character values under Policy XX</u> <u>3) areas with natural features and landscapes under Policy XX;</u> <u>Consistent with policies in section 5.1.”</u>
6.3 Use and development of resources	Support in part	Providing for “appropriate use” is not consistent with the NZCPS for the reasons set out elsewhere in this submission	Amend to recognise changes requested to policy 5 such that appropriateness is determined on the basis of avoiding inappropriate locations.
6.10 Noise	oppose	Noise and vibration effects on	Delete the reference to New Zealand Standards.

Provision	Oppose/Support	Reasons	Decision requested
		<p>species, including threatened and at risk marine mammals is a significant issue in the marine environment. Noise travels differently in water than in air and marine mammals respond in various ways.</p> <p>Noise effects on marine species is a rapidly developing area knowledge as is the understanding of how noise and vibrations travel in the marine environment.</p> <p>Reliance on standards developed primarily for terrestrial activities and without appropriate modelling of noise in the marine environment is inadequate and will result in perverse outcomes for managing effects of noise under this plan.</p> <p>Further information is available on specific efforts to adapt and improve on the science-based marine mammal noise exposure criteria pioneered by Southall et al. (2007) have been informed by the rapid increases in knowledge from substantial subsequent basic and applied research (see: Ellison et al., 2012; Finneran et al., 2015; 2016; Southall et al., 2016).</p>	<p>Replace with:</p> <p><u>Considerations of the latest information of the effects of noise of marine species and habitats. The use of the most recent professionally supported noise modelling for the marine environment. Taking a precautionary approach where limited information is available.</u></p>
8 Regional rules			

Discharges			
Rule 12: Seismic surveying or bathymetric testing involving discharge of energy into water in the coastal marine area and any associated noise. (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	Oppose	<p>Seismic testing has adverse effects including significant adverse effects on marine mammals and fish species.</p> <p>A permitted classification will not enable council to give effect to the NZCPS.</p> <p>Further the 2013 standards are inadequate and have been under review since 2015. The standard cannot be relied on to ensure council gives effect to the NZCPS. Council will need to consider expert advice on the generation of noise and vibration from the activity and effects of noise and vibration on marine species.</p>	<p>Change the activity status to Discretionary in Open coast and Port</p> <p>Change the activity classification to Non-complying in Outstanding Value, Estuaries Unmodified and Estuaries Modified.</p>
Structures and occupation			
Rule 18 - Outfall structure placement. (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	Support in part	<p>Support the limits on size of outfall structures in condition (a). However the rule does not manage cumulative effects. This is of particular concern in Outstanding value areas where structures can have adverse effects on natural character and natural features and landscapes.</p> <p>Condition (b) is uncertain as there is no requirement to meet installation standards or constructions guidelines.</p> <p>The wording of conditions (c) and (f) are not sufficient to ensure that policy 11 of the NZCPS will be given effect to.</p> <p>Wording of “(c) the extent of disturbance of the foreshore and seabed is limited to the minimum required to undertake the activity” is uncertain.</p>	<p>Identify sites/areas of significant indigenous biodiversity and include a condition that the structure is not within those areas.</p> <p>Amend condition (c) by adding “...activity, and no more than 1m width of surface area is distributed.”</p> <p>Add a Note: “this rule does not authorise a discharge from the outfall structure.”</p>
Rule 19 - Mooring structure placement (Port) - Permitted	Oppose	The effects associated with difference scale of mooring structures and cumulative effects are not adequately managed through a permitted activity.	Change the Activity description to ensure there is no disturbance of the foreshore or seabed.

		<p>While the activity does not require excavation of the foreshore or seabed, disturbance and deposition are provided for under Activity (b) and (c).</p> <p>Make the rule a controlled activity within the Port management area so that council can assess whether the conditions are met.</p> <p>Add a condition that the structure does not have an effect on Outstanding character as the Port is adjacent to an outstanding landscape and character area.</p> <p>In addition to condition (d) identify sites/areas of significant indigenous biodiversity to give effect to Policy 11 of the NZCPS. Where these areas would be adversely affected by a mooring structure on the Port management area council needs to retain discretion to decline consent.</p> <p>New mooring structures which require disturbance of the seabed or foreshore cannot be appropriately considered under a permitted or controlled activity rule.</p> <p>The provisions for associate disturbance, deposition and discharge are uncertain and could result in adverse effects which are not addressed by the permitted standards/conditions.</p>	<p>Delete the Activity provisions for associate disturbance, deposition and discharge.</p> <p>Delete the permitted activity classification and replace with “<u>controlled activity</u>”.</p> <p>Add a condition that the structure does not have an effect on Outstanding Value areas as the Port is adjacent to an outstanding landscape and character area.</p> <p>Identify sites/areas of significant indigenous biodiversity in the CMA on the planning maps and a schedule and include a condition that the mooring structure must not have adverse effects on the values of those areas.</p> <p>Add a new rule (restricted discretionary or discretionary activity) for where an activity has adverse effects. Include a matter of discretion to consider the effects on indigenous biodiversity values.</p>
<p>Rule 20 - Mooring structure placement (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted</p>	<p>Oppose</p>	<p>Support a permitted rule for monitoring and sampling purposes where they are not fixed to the seabed, provided there are no adverse effects on biodiversity values or outstanding character and landscape values.</p> <p>The provisions for associate disturbance, deposition and discharge are uncertain and could result in adverse effects which are not addressed by the permitted standards/conditions in the rule.</p> <p>Condition (a) is important for council to keep track of</p>	<p>Amend the rule heading by adding the word “monitoring”</p> <p>Delete the Activity provisions for associate disturbance, deposition and discharge.</p> <p>Add to the Activity description as follows: “<u>The placement or</u></p>

		<p>demand to enable consideration of cumulative effects on significant and outstanding values and any need to changes to the rule in the future.</p> <p>Condition (a) refers to removal however this is not stated in the Activity of the rule.</p> <p>Condition (b) requires the person carrying out the activity to determine whether it would have an adverse effect on significant indigenous biodiversity values. This condition is problematic as it does not capture all values and characteristic to be protected under Policies 11, 13 and 14 of the NZCPS. Nor it is appropriate council to pass the determination of effects on these values to plan uses (see Key issue submissions on Biodiversity above)</p>	<p>removal of a Mmooring structure placement for monitoring...</p> <p>Amend the conditions to provide certainty that the activity will not occur where it would have adverse effects on values and characteristics to be protected under Policies 8, 9 and 14 (reference as necessary to give effect to the NZCPS)</p>
<p>Rule 21 - Navigation aid erection or placement (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted</p>	<p>Support in part</p>	<p>Support the permitted rule for these purposes where they are not fixed to the seabed, provided there are no adverse effects on biodiversity values or outstanding character and landscape values.</p> <p>The provisions for associate disturbance, deposition and discharge are uncertain and could result in adverse effects which are not addressed by the permitted standards/conditions in the rule.</p> <p>The potential for adverse effects on birds from lighting associate with navigation aids does not appear to be considered within the rule.</p> <p>The location of and light from navigational aids can have adverse effects on outstanding character and landscape values.</p> <p>Condition (e) and (f) are is uncertain as the determination of effects on values often requires</p>	<p>Delete "Outstanding Value" from the Coastal management area.</p> <p>Change the Activity description to ensure there is no disturbance of the foreshore or seabed.</p> <p>Delete the Activity provisions for associate disturbance, deposition and discharge</p> <p>Amend condition (e) as follows: "erection or placement of the navigation aid does not have an adverse effect on the values associated with <u>in not within 10m of any historic heritage identified in Schedule 5 [Historic heritage] or 50m of an Outstanding Value area;</u> and"</p>

		expert advice. It is preferable that permitted activities are avoided in locations where they may have such effects.	Where condition (e) is not complied with new rule 33 will apply. Amend the conditions to provide certainty that the activity will not occur where it would have adverse effects on values and characteristics to be protected under Policies 8, 9 and 14 (reference as necessary to give effect to the NZCPS).
Rule 22 - Network utility structure erection or placement (Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Controlled	Support in part	Support that Outstanding Value areas are not included. However a controlled activity classification does not enable council to give effect to the NZCPS outside of those areas. The placement of structures in the CMA can have noise and vibration effects on marine mammals and fish species which are not addressed by the rule provisions. Condition (c) is not adequate to achieve protection required by the NZCPS. It may not be possible under this rule for council to ensure the avoidance of adverse effects or of significant adverse effects as required by Policies 11(a) and (b), 13(1)(b) or 15(b) of the NZCPS. Activities adjacent to Outstanding value areas may adverse effects on during construction and ongoing effects relation to the occupation of space in certain locations.	Change the rule classification to Restricted discretionary Include condition for a 100m set back from Outstanding Value management areas Include the following matters of discretion for: (x) effect on indigenous biological diversity (y) effects on natural character and natural features and landscape (z) effects on any areas out Outstanding Value.
Rule 23 - Port launching, mooring	Oppose	It is not appropriate for council to grant consent	Change the rule classification to

or berthing structure erection or placement in the Port (Port) - Controlled		where adverse effects would be inconsistent with achieving Policies 11, 13 or 15 of the NZCPS. Also see reasons set out in submission on Rule 19 above.	Restricted discretionary
Rule 24 - Structure used for whitebaiting (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Prohibited	Support		retain
Rule 25 - Hard protection structure erection or placement (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Discretionary	Oppose	<p>The purpose of “erosion control” should be clarified and limited to where this is necessary for the safe operation lawfully established regionally important infrastructure.</p> <p>That Plan has set out in Policy 33 that hard protection structures will not have adverse effects on Outstanding Value areas. However there is no clear direct for other values which are to be protected under the NZCPS under Policy 34.</p> <p>Both discretionary and non-complying activity classifications should be applied to achieve Policies 33 and 34.</p> <p>It is preferable to identify locations where such hard protection structures would be inappropriate and identify these in the plan. As council does not appears to have identified these locations, policies must set out how this is to be determined to avoid adverse effects required by the NZCPS. Hard protection structures should not be anticipated within inappropriate locations.</p>	<p>Amend Policy 5 and 34 as sought in these submissions.</p> <p>Amend Rule 25 to clarify the purposes to which erosion control applies.</p> <p>Amend Rule 25 Coastal management area by removing: Outstanding Value, Estuaries Unmodified, Estuaries Modified</p> <p>Provide a non-complying rule for erection or placement of hard protections structures Outstanding Value, Estuaries Unmodified, Estuaries Modified</p>

<p>Rule 26 – Exploration or appraisal well drilling (Open coast, Port) - Controlled</p>	<p>Oppose</p>	<p>It is not appropriate for council to grant consent where adverse effects would be inconsistent with achieving Policies 11, 13 or 15 of the NZCPS.</p> <p>Council needs to retain discretion to decline consent to give effect to Policy 11, 13 and 15 of the NZCPS.</p> <p>Exploration and appraisal well drilling activities generates noise, vibration and disturbance which has adverse effects on marine mammals. The noise, vibration and disturbance can be as or more significant than for production wells. Council must retain discretion to decline a consent to give effect to the NZCPS.</p>	<p>Amend the Activity classification to restricted discretionary</p> <p>Retain the matters for control as matters for discretion</p> <p>Add matter of discretion for “effects on indigenous biodiversity”.</p> <p>Add a matter of discretion to consider effect on natural character</p> <p>Identify areas of significant biodiversity and exclude these from this rule.</p> <p>add a requirement to publically notify under this rule</p>
<p>Rule 27 -- Exploration or appraisal well drilling (Open coast, Port) - Discretionary</p>	<p>Oppose</p>	<p>The application of the rule is uncertain as to what duration of occupation is considered as temporary under Activity (b).</p> <p>Exploration and appraisal well drilling activities generates noise, vibration and disturbance which has adverse effects on marine mammals. The noise, vibration and disturbance can be as or more significant than for production wells.</p> <p>It is unclear how council will ensure that activities will not have adverse effects which extent into Outstanding Value, Estuaries Unmodified and Estuaries Modified management areas.</p>	<p>Include a policy or definition of temporary occupation.</p> <p>Amend the polices as sought to give effect to policies 11, 13 and 15 of the NZCPS and so that they provide direction for considering consent applications under this rule.</p>
<p>Rule 28 – Exploration or appraisal well drilling (Outstanding Value, Estuaries Unmodified, Estuaries</p>	<p>oppose</p>	<p>It is not appropriate to consider consent applications for activities which would have adverse effects to be avoided under policies 11, 13 and 15 of the NZCPS.</p>	<p>Amend the activity classification to prohibited.</p>

Modified) – Non-complying		It is unclear how council will ensure that activities outside these management areas will not have adverse effects which extent into these areas.	<p>Amend the proposed polices as sought to give effect to policies 11, 13 and 15 of the NZCPS and so that they provide direction for considering consent applications under Rule 27 to avoid adverse effects extending into these management areas.</p> <p>Amend Policy 49 to provide direction for the avoidance of adverse effects to give effect to protection required under the NZCPS (see submission on Policy 49) and amend the methods of implementation 6.10 as sought by these submissions</p>
Rule 29 - Petroleum production installation erection or placement (Open coast, Port) - Discretionary	oppose	<p>Installation and placement for petroleum production and drilling activities generates noise, vibration and disturbance which has adverse effects on marine species and habitats .</p> <p>It is unclear how council will ensure that activities will not have adverse effects which extent into Outstanding Value, Estuaries Unmodified and Estuaries Modified management areas.</p>	Amend the polices as sought to give effect to policies 11, 13 and 15 of the NZCPS and so that they provide direction for considering consent applications under this rule
Rule 30 - Petroleum production installation erection or placement (Outstanding Coastal, Estuaries Unmodified, Estuaries Modified) – Non-complying	oppose	<p>It is not appropriate to consider consent applications for activities which would have adverse effects to be avoided under policies 11, 13 and 15 of the NZCPS.</p> <p>It is unclear how council will ensure that activities outside these management areas will not have adverse effects which extent into these areas.</p>	<p>Amend the activity classification to prohibited.</p> <p>Amend Policy 49 Noise, to provide direction for the avoidance of adverse effects to give effect to protection required under the NZCPS (see submission on Policy 49) and amend the methods of implementation 6.10 as sought by these submissions</p>

			Amend the proposed policies as sought to give effect to policies 11, 13 and 15 of the NZCPS and so that they provide direction for considering consent applications under Rule 29 to avoid adverse effects extending into these management areas.
Rule 31 - Temporary military training (Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	support in part	<p>Support the exclusion of Outstanding value areas as many of these areas contain significant biodiversity values.</p> <p>Estuaries provide important habitats to indigenous species and often include the values and characterises to be protected Under Policy 11 of the NZCPS and values where significant adverse effects are to be avoided by Policies 13(b) and 15(b) of the NZCPS. A precautionary approach must be applied until council identified areas where activities would be inappropriate.</p> <p>Other areas in Open coast need to be identify so that they can also be excluded from this rule.</p> <p>Noise and vibration can have significant effects on marine species and habitats. It is not appropriate council to expect a person undertaking these activities to determine whether their noise and vibration will have an adverse effect by applying the general standards in 8.8(c). Neither the limits set out or the NZ Standards are adequate to avoid adverse effects on indigenous biological diversity.</p> <p>Noise effects can only be determined by expert advice through a consent process.</p> <p>The rule does not provide for any consideration of or</p>	<p>Amend the Activities to remove estuaries management areas from the rule.</p> <p>Amend the rule by adding a condition that noise and vibration must only be from normal operation of marine vessels and does not include any seismic testing, explosions, artillery or sonar.</p> <p>Add a condition that the activities must not have lighting at night.</p> <p>Amend Policy 49 Noise, to provide direction for the avoidance of adverse effects to give effect to protection required under the NZCPS (see submission on Policy 49) and amend the methods of implementation 6.10 as sought by these submissions</p>

		the avoidance of adverse effects from lighting on seabirds.	
Rule 32 - Temporary military training (Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Controlled	oppose	It may not be appropriate to grant this in all cases. If effects can not be avoided as set out in Policies 11, 13 and 15 of the NZCPS council needs to retain discretion to decline consent. Also see reasons on rule 31 above.	Change the rule classification to Restricted discretionary
Rule 33 - Other structure erection or placement not provided for in Rules 18 to 32 (Estuaries Modified, Open Coast, Port) - Discretionary	Support in part	Better direction is needed in the Policies to ensure decision makes give effect to the protective policies of the NZCPS. Modified estuaries will still contain and contribute to significant biodiversity values which are generally significantly adversely affected by the erection and placement of structures. If these activities are not already provided for in other rules with appropriate conditions for this management area, they should be included under rule 34 as non-complying. The rule relates to erection or placement of new structures and is not relevant to the NES which provides for existing infrastructure.	Amend rule 33 Coastal management area to exclude Estuaries Modified Include Estuaries Modified in Rule 34.
Rule 34 - Other structure erection or placement not provided for in Rules 18 to 32 (Outstanding Value, Estuaries Unmodified) – Non-complying	Support	Structures not already provided for in other rules should not be anticipated in Outstanding Value, Estuaries Unmodified or Estuaries Modified. Structures have adverse effects on the coastal environment and should only be considered consistent with giving effect to the NZCPS.	Retain with amendment to include Estuaries Modified.
Rule 35 - Structure maintenance, repair or minor alteration (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast) - Permitted		Support provision for maintain of lawfully established structures so that they can be retained in good repair and not cause adverse environmental effects. However the activities provided for are not certain in the context of maintenance. This arises because the term “repair” which is commonly considered as part	Amend Rule 35 Activity description as follows: “Structure maintenance, repair or minor alteration...”

		<p>of “maintenance” is excluded from the definition of “maintenance” under this plan and is equivalent to “restore” which is included in the definition. Also because the term “minor alteration” is not defined.</p> <p>Policy 36 provides direction on “minor upgrading” in relation to structures. However that term is not defined either.</p> <p>It is not clear what a minor alteration is.</p> <p>There also appears to be some inconsistency in the use of terms relating to structures as the general conditions 8.6.3(b) include “maintenance” but do not consider noise effects from “repair, alteration or extension” activities.</p> <p>These terminology concerns are addressed further in relation to the definitions of the plan. If the definitions are amendment as sought by those submission this rule can be amended to provide for “maintenance and minor alterations”</p>	
<p>Rule 36 - Hard protection structure repair, alteration, extension or removal and replacement (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Discretionary</p>	<p>Support in part</p>	<p>Support provision for maintain of lawfully established structures so that they can be retained in good repair and not cause adverse environmental effects.</p> <p>However the terminology used to describe the activities provide for under the rule are not clear. These terminology concerns are addressed further in relation to the definitions of the plan. If the definitions are amendment as sought by those submission this rule can be amended to provide for “maintenance and minor alterations”</p> <p>More than minor alterations/extensions are addressed as “major” under Policy 37 and should be treated as for a new structure. Such activities could have adverse effects that are inconsistent with</p>	<p>Amend Rule 36 Activity description as follows: “Existing lawfully established hard protection structure <u>maintenance repair, minor alteration, extension</u> or removal and replacement...”</p> <p>Amend rules for erection and placement of new structures as required to provide for major alterations and extensions.</p>

		achieving the protection requirements of the NZCPS. Also see our submission on the definitions addressing these terms.	
Rule 37 - Network utility structure repair, alteration or extension (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Controlled		As for rule 36 above the terminology is uncertain and more than minor alterations/extensions.	Amend Rule 37 Activity description as follows: “Existing lawfully established hard protection structure maintenance repair, minor alteration, extension or removal and replacement...” Amend rules for new structures as required to provide for major alterations.
Rule 38 - Structure removal and replacement (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	Support in part	The approach of combining removal and replacement in a permitted rule is not appropriate. While the removal of a structure provides opportunities for enhancement of natural character, replacement does not. The conditions include uncertain wording as follows: Condition (a) refers to “operational requirements” rather than functional need which is the term use in Policy 32 of the Plan and the policy 6 of the NZCPS The plan does not appear to include a schedule of sites of geological significance referred to in Condition (j). These sites should be identified in the plan to give effect to the NZCPS. The NZCPS considered geological aspects and components within Policies 13 and 15. Policy 20 sets out to control vehicle use where it may result in damage to geological processes and Policy 26 sets out provisions for the protection of site od	1. Retain the rule such that it provides for Structure removal as a permitted activity except in Outstanding Value areas. 2. Add a controlled activity rule for removal in Outstanding Value areas 3. Combine the “replacement” of structures into rules for erection and placement of new structures. Alternatively provide a restricted discretionary rule for replacement of lawfully established structures Include matters for discretion

		<p>geological value from coastal hazards.</p> <p>Replacement structures:</p> <p>The adverse effects of replacement structures is not adequately addressed by general standards as they do not include adequate guidance on how adverse effects on noise in the marine environment is to be avoided, nor do they address effects of lighting.</p> <p>The rule does not provide opportunity to consider whether structure previously lawfully established in a particular location should be re-established in that same location.</p>	<p>including:</p> <p>(a) effects on natural character and natural features and landscapes</p> <p>(b) effects in indigenous biodiversity</p> <p>(c) generation of noise</p> <p>(d) location</p> <p>(e) whether the replacement structure maintains the form of the original structure with no increase in length, width or height, or increase in adverse effects</p>
Rule 39 - Port wharves or breakwaters and attached structures, maintenance, repair or alteration (Port) - Permitted		<p>Support the requirement that the activity relates to “that part of the wharves or breakwaters that is normally above the water surface including any attached structures, and relates directly to port company operations”</p> <p>As state above (Rule 36) there is some inconsistency with terms relating to maintenance and alteration activities.</p>	<p>Amend Rule 39 Activity description as follows: “Existing lawfully established structure <u>maintenance, repair, or minor alteration, extension ...</u>”</p> <p>Amend rules for new structures as required to provide for major alterations.</p>
Rule 40 - Port wharves or breakwaters and attached structures, maintenance, repair or alteration (Port) - Controlled		<p>Condition (b) is not adequate for council to ensure that adverse effects are avoided on matters to be protected under policy 14 or policy 9, or on adjacent outstanding values areas under policy 8 of the plan.</p>	<p>Add a condition that the activity will not have adverse effects on the adjacent Outstanding Value area.</p> <p>Amend the matters for control to include consideration of effects on indigenous biodiversity and natural character.</p>
Rule 43 - Port launching mooring or berthing structure repair, alteration	support	<p>Outstanding Value and estuaries have important indigenous biodiversity values and natural character</p>	<p>retain the non-complying classification</p>

or extension (Outstanding Value, Estuaries Unmodified) – Non-complying			
Rule 44 - Structure removal or demolition (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	support	It is important to provide for removal with appropriate conditions	retain
Rule 45 - Structure removal or demolition (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Controlled	Oppose	The use of explosives could have significant adverse effects on indigenous marine species which may not be appropriate in all cases. Council needs to retain discretion to decline to give effect to Policy 11 of the NZCPS	Remove the Outstanding Value Estuary Unmodified and Estuary Modified coastal management areas from the rule. Provide an activity classification of “Restricted Discretionary” or combine with Rule 46 for Outstanding Value, Estuary Unmodified and Estuary Modified coastal management areas.
Rule 46 - Structure removal or demolition (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Discretionary	support	It is important to provide in appropriate circumstances and after appropriate consideration	retain
Rule 47 - Community, recreational or sporting activity (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	Support in part	The rule is uncertain as to how a person undertaking the activity can be sure they comply with conditions (a) or (e). The council needs to identify sites and areas meeting Policy 11 of the NZCPS and exclude permitted activities within these areas. May recreational activities occur over the summer months which coincides with indigenous bird breeding periods. Until such areas are identified a controlled activity classification is required.	Change the activity classification to “controlled”. Include matters for control to consider effects on indigenous biodiversity, natural character and natural features and landscapes Amend the Note to refer to Rule

		The Activity Note that activities not meeting the conditions are to refer to Rule 51 appears in error as that rule provides for disturbance and not occupation of space.	50 which is a discretionary classification.
Rule 48 – Continued occupation (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	support in part	<p>In condition (a) the restriction to the original purpose is uncertain as s12 of the RMA sets out that plans can control “use, development and subdivision”.</p> <p>The “use” of a structure may not be appropriate given the directive policies 11, 13 and 14 of the NZCPS 2010. By providing or continued occupation of space adverse effects which may be inconsistent with those policies is not avoided.</p> <p>Where a use is a permitted activity under this plan (after applying amendments sought in this submission) continued occupation may be appropriate as a permitted activity.</p>	<p>Amend condition (a) to refer to the original permitted use of the structure.</p> <p>Remove Outstanding Value, Estuaries Unmodified, Estuaries Modified from the Coastal management area</p> <p>Provide a restricted discretionary rule for Continues occupation, previously permitted, in Outstanding Value, Estuaries Unmodified, Estuaries Modified Coastal management areas.</p>
Rule 49 – Continued occupation (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	support in part	<p>As for Rule 48 above, it is not certain that providing for the continued occupation of space for consented activities will give effect to the requirements of the NZCPS which requires the council to consider effects of activities. A controlled classification does not give council the ability to decline consent if where necessary to give effect to the NZCPS.</p> <p>It is also unclear if this rule applies to structures which are place by consent under this plan. For example whether a structure placed under Rule 26 and 32 would be able to continue to occupy space under this rule. This could make time limits on “temporary” activities ineffective and potentially enable activities to continue in perpetuity.</p>	<p>Amend the activity classification to Restricted discretionary</p> <p>Add matter for discretion to consider effects on indigenous biodiversity, natural character and natural features and landscapes. Add other matters to consider effects of noise, light and location.</p>
Rule 50 – Other occupation that is	support in part	The rule is uncertain in relation to occupation for	Clarify to the rule to ensure that

not provided for in Rules 47 to 49 (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Discretionary		activities or structures, or in locations which are classified as prohibited or non-complying under the plan.	it does not apply to occupation for activities or structures, or in locations which are classified as prohibited or non-complying under the plan.
Disturbance, deposition and extraction			
Rule 51 - Clearance of outfalls, culverts and intake structures (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	Oppose	The rule is uncertain as the conditions and general standards do not provide for: <ol style="list-style-type: none"> 1. the amount of disturbance or deposition of material 2. a limit or guidance on “minimum necessary” to ensure removal of material does not result in adverse effects 3. whether mitigation may be appropriate in outstanding or significant locations and require consent 4. the type of material which can be deposited. 5. Adverse effects of depositing the material inappropriately 	Clarify that the rule provides for clearance of lawfully established structures only. Add further conditions and limits to address concerns set out.
Rule 52 - Collection of benthic grab samples (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	support	It is important to provide small scale monitoring with appropriate conditions	retain
Rule 53 - Minor disturbance and removal (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	Oppose	The rule is uncertain as to how a person proposing to carry out the activity would know if they were having an effect contrary to conditions (a) and (b). Activities should be excluded from areas where those values exist.	Amend Rule 53 by remove Outstanding Value, Estuaries Unmodified, Estuaries Modified from the Coastal management areas Provide a restricted discretionary rule for these activities,

			<p>previously permitted, in Outstanding Value, Estuaries Unmodified, Estuaries Modified Coastal management areas.</p> <p>Add matters for discretion to consider effects on indigenous biodiversity, natural character and natural features and landscapes. Add other matters to consider effects of noise, light and location.</p> <p>In the permitted Rule 53 Retain condition (c) to (g)</p> <p>Add condition that restricts the activity to outside of bird breeding periods</p>
55 - Dredging and spoil disposal (Port) - Discretionary	Support	It is important that policies are amended to give effect to the NZCPS and provide direction for decisions under this rule	Retain and amend policies as sought in this submission
56 - Dredging and spoil disposal (Open Coast) - Discretionary	Support	It is important that policies are amended to give effect to the NZCPS and provide direction for decisions under this rule	Retain and amend policies as sought in this submission
57 - Beach replenishment (Open Coast) - Discretionary	support		retain
58 - Introduction of exotic plants (Estuaries Modified, Open Coast, Port) - Discretionary	Support	It is important that policies are amended to give effect to the NZCPS and provide direction for decisions under this rule	Retain and amend policies as sought in this submission
59 - Introduction of exotic plants (Outstanding Value, Estuaries Unmodified) – Non-complying	oppose	Introduction of exotic plants in not consistent with protection or enhancement of natural character. In particular it is likely to have adverse effects on significant biodiversity values.	Amend policies as sought to give effect to the NZCPS.
60 - Other disturbance, damage, destruction, removal or deposition	support in part	These activities can have significant adverse effects on indigenous biodiversity and natural character which is	

that is not provided for in Rules 51 to 59 (Estuaries Modified, Open Coast, Port) - Discretionary		not identified in the plan. Amendments sought to the policies to give effect to the NZCPS are necessary to provide for this activity as discretionary.	
61 - Other disturbance, damage, destruction, removal or deposition that is not provided for in Rules 51 to 59 (Outstanding Value, Estuaries Unmodified) – Non-complying	Support in part	These activities can have significant adverse effects on indigenous biodiversity and natural character in these management areas. Amendments sought to the policies to give effect to the NZCPS are necessary to provide for this activity as non-complying.	Amend policies as sought to give effect to the NZCPS.
Reclamation or draining			
62 - Reclamation or drainage for erosion and flood control within areas of outstanding coastal value and unmodified estuaries (Outstanding Value, Estuaries Unmodified) – Non-complying	Support in part	These activities can have significant adverse effects on indigenous biodiversity and natural character in these management areas. Amendments sought to the policies to give effect to the NZCPS are necessary to provide for this activity as non-complying .	Amend policies as sought to give effect to the NZCPS.
63 - Other reclamation or drainage that is not provided for in Rule 62 (Estuaries Modified, Open Coast, Port) - Discretionary	support in part	These activities can have significant adverse effects on indigenous biodiversity and natural character which is not identified in the plan. Amendments sought to the policies to give effect to the NZCPS are necessary to provide for this activity as discretionary.	Amend policies as sought to give effect to the NZCPS.
64 - Reclamation and draining of the foreshore or seabed (Outstanding Value, Estuaries Unmodified) – Prohibited	Support	provides for protection of natural values	Retain
65 – Taking or use of water, heat or energy (Outstanding Value, Open Coast, Port) - Permitted	Support in part	It will be difficult for users to ensure compliance with conditions which require determining the effect on natural values.	Amend conditions as sought in Key issues for Biodiversity above.
8.6 General standards			
8.6 General Standards	Support in part	The standards do not include limits on bed disturbance or vegetation removal activities to protect habitats of indigenous species of natural	Expand the standard to include limit for permitted activities of the following:

		character values of the CMA.	<p>(a) foreshore and seabed disturbance</p> <p>(b) vegetation disturbance and removal</p> <p>Include limits on sediment disturbance and resulting sediment plumes</p> <p>Include time periods to avoid removal or disturbance of vegetation during fish spawning to protect eggs until hatching</p> <p>Set other limits to avoid adverse effects consistent with Policies 13, 14 and 15 of the NZCPS, and ensure that any other adverse effects are no more than minor.</p>
8.6.2 Light	oppose	The standards do not protect indigenous seabirds from being adversely affected by lights.	<p>Include standards for lights to be shielded or of a colour so that they do not attract or disturb seabirds.</p> <p>Include specific standard to avoid lighting near any seabird, including penguin, breeding areas.</p> <p>Include standards for navigational aids and safety to mitigate any adverse effects on seabirds.</p>
8.6.3 Noise	oppose	As discussed in relation to 6.10 above, noise and vibration effects on species, including threatened and at risk marine mammals is a significant issue in the marine environment. Noise travels differently in water than in air and marine mammals respond in various ways.	Include a specific standard setting out guidance on how appropriate noise standards are to be determined for activities which generate noise in the marine environment. Include the

		<p>Reliance on standards developed primarily for terrestrial activities and without appropriate modelling of noise in the marine environment is inadequate and will result in perverse outcomes for managing effects on marine species under this plan.</p> <p>Further information is available on specific efforts to adapt and improve on the science-based marine mammal noise exposure criteria pioneered by Southall et al. (2007) have been informed by the rapid increases in knowledge from substantial subsequent basic and applied research (see: Ellison et al., 2012; Finneran et al., 2015; 2016; Southall et al., 2016).</p>	<p>following or similar: <u>“Considerations of the latest information of the effects of noise of marine species and habitats. The use of the most recent professionally supported noise modelling for the marine environment. Taking a precautionary approach where limited information is available.”</u></p>
9 Financial contributions			
9 general	support	Keep the note which recognises that the RMA changes mean that financial contributions under the RMA cease in 2022 and will only be applied under the Local Government Act.	retain
9.1.8 General - environmental compensation	<p>9.1.8 General - environmental compensation</p> <p>Purpose: To provide environmental compensation where an activity will have adverse effects, which will not be adequately avoided, remedied or mitigated by protecting, restoring and/or enhancing natural and physical resources and/or amenity values elsewhere in the coastal environment in the same general locality.</p>	It is uncertain how this provision is to be applied under the plan. It is not appropriate to consider compensation for adverse effects which are to be avoided under the NZCPS. This is because compensation does not achieve protection of the values and characteristics to be protected. Check how this is applied. There must be limits to compensation to give effect to the NZCPS.	delete
Schedules			
Schedule 1	Support in part	<p>It is not clear where areas or site of significant indigenous biodiversity are within the coastal management areas.</p> <p>The numbering is also confusing as it does not align with policy 1.</p>	Identify significant indigenous biodiversity areas and add them as individual map links for each site, under the corresponding management area.

			Amend by replacing the 1), 2), numbering so that each coastal management area is identified under (a), (b) (c) etc consistent with policy 1(a), (b) (c) etc.
Schedule 2	Support in part	<p>The report the “<i>Regional landscape study of the Taranaki coastal environment (2015)</i>” which forms the basis for the values identified in which outstanding value area should be incorporated by reference.</p> <p>The values and characteristic identified in the report must be considered by council in any consenting process to ensure that that values are protected consistent with the NZCPS. .</p>	Incorporate by reference: the “ <i>Regional landscape study of the Taranaki coastal environment (2015)</i> ”
Schedule 4A – Significant species and ecosystems	Support in part	<p>The identification of species and ecosystems is helpful guidance; however it does not provide adequate certainty for the avoidance of adverse effects from permitted and controlled activities.</p> <p>Identify and map the location of rare and uncommon ecosystem types found on the Taranaki coast</p> <p>There are other species and habitats which need to be included and protected under the plan. These include:</p> <ol style="list-style-type: none"> 1. The list of species does not include non-vascular plants which may also be significant in terms of indigenous vegetation and habitat in the Taranaki coastal environment, including the CMA. <p>Does not include non-vascular plant species</p> <ol style="list-style-type: none"> 2. Marine mammals that are identified as “data deficient” as these are considered in practice to be threatened. 3. There are a number of regionally distinction species missing from the list – e.g. common dolphin. 	<p>Map the locations where the rare and uncommon ecosystems types identified in this schedule occur.</p> <p>Add to the schedule:</p> <ol style="list-style-type: none"> 1. non-vascular plan species including coastal lichens. 2. data deficient marine species 3. missing regionally distinctive species including the common dolphin.
Definitions			

New definition: reclamation		The plan includes rules providing for reclamations however the term is not defined. This could cause confusion the definition included for Accretion. Suggested definition is consistent with that used in the proposed northland regional plan.	Define “Reclamation” as follows or similar: <u>“The formation of permanent land located above mean high water springs that was formerly below the line of mean high water springs. Reclamation does not include:</u> <u>1) land that has arisen above the line of mean high-water springs as a result of natural processes, including accretion, or</u> <u>2) any infilling where the purpose is to provide beach nourishment, or</u> <u>3) structures such as breakwaters, moles, groynes or sea walls.”</u>
Accretion	Accretion means the seaward extension of land as a result of the deposition of sediments.	Accretion is not provided for in the rules and should be amended to clarify that the term relates to natural processes. As worded the definition could include deposition which results in reclamation.	Amend to clarify that accretion is a result of natural process. Add a new definition for reclamation as sought above.
Adaptive management	oppose	For the reasons set out in relation to Policy 3 above.	Delete definition of “adaptive management”
Amenity values	Support in part	Clarify whether amenity values includes visual amenity so that the areas identified in Policy 18 are recognised under the NES PF which sets out that: visual amenity landscape means a landscape or landscape feature that— (a) is identified in a district plan as having visual amenity values, however described; and	Amend the definition to include “visual amenity” as part of amenity values.

		(b) is identified in the policy statement or plan by its location, including by a map, a schedule, or a description of the area	
At risk	Support in part	There are species which are at risk and threatened but not classified as such. Include recognition of data deficient species as these are of significance to Taranaki and nationally.	Include a definition for “data deficient” species which are likely to be at risk or threatened however populations are so low that information is not available to determine status under the NZ Threat Classification.
Best practicable option	Support in part	This definition is helpful, however where it is not possible to prevent a discharge, which must be avoided to provide protection required by policies 11, 13 and 15 of the NZCPS, a minimisation approach is not appropriate. Ensure that the application of this definition in the plan does not override the directive polices to “avoid” which give effect to the NZCPS.	Amend plan provisions as necessary to address submission concerns.
Coastal area of outstanding value	Support in part	As worded the definition only applies to identified areas. It is not clear how the definition relate to Policy 8 of the plan or policies 13 and 15 of the NZCPS	Amend plan provisions as necessary to address submission concerns.
Coastal environment	oppose	The definition is not helpful and creates inconsistencies with the NZCPS for the reasons set on in relation to Policy 4 above.	Map the coastal environment for Taranaki and state this in the definition. Alternatively delete the definition
Disturbance	support		retain
Ecosystem	support		retain
Erosion	support		retain
Estuary Modified	Support in part	See submission comments on Policy 1	Amend for constancy with policy 1 to address these submission
Estuary Unmodified	Support in part	See submission comments on Policy 1	Amend for constancy with policy 1 to address these submission
Habitat	support		retain

Hard protection structure	support		retain
Hazardous substance	support		retain
Heritage values	Support in part	<p>Policy 5 and policies under section 5.1.3 refers to “natural and historic heritage” that terminology is not consistent with this definition.</p> <p>It is not clear whether this includes natural heritage included under Policies 8, 9 and 14 of the plan</p>	<p>Clarify the definition and terminology in the plan so that it clear whether heritage values includes natural heritage values which may include those identified under Policies 8, 9 and 14 of the plan</p>
Incidental water	support		retain
Integrated management	oppose	<p>It is not clear whether this definition is consistent with Policy 2. It is not necessary to have a definition as this more appropriately set out in policy of the plan to give effect to the NZCPS.</p>	<p>Delete definition for integrated management</p>
Maintenance	Support in part	<p>The definition is generally helpful however the exclusion of “repair” is confusing.</p> <p>The definition includes “restore” which is equivalent to repair. Also the oxford online dictionary defines “maintain” as to “Keep (a building, machine, or road) in good condition by checking or repairing it regularly.”</p> <p>We support the exclusion of “extension”; however it is not clear how this relates to policy 37 which provides for “major alterations and extensions”</p> <p>The oxford dictionary defines “extension” as to enlarge or prolong something. As such it would generally fit within the policy requirements for “major upgrades”.</p> <p>However a number of rules provide for maintenance and alteration and/or extension. It is not clear under those rules whether the alteration or extension is of the appropriate scale to be considered the same as for maintenance activities. In our view the plan could provide for minor alterations or extensions in the</p>	<p>Amend the definition by removing exclusion of “repair”.</p> <p>As a consequence amend all rules which provide for maintenance and repair to only use the term “maintenance”.</p> <p>Amend all rules which provide for alteration or extension in the same rule as “maintenance” to “minor alteration or extension”.</p> <p>Amend all rules which provide for new structures to include “major alteration or extension”.</p>

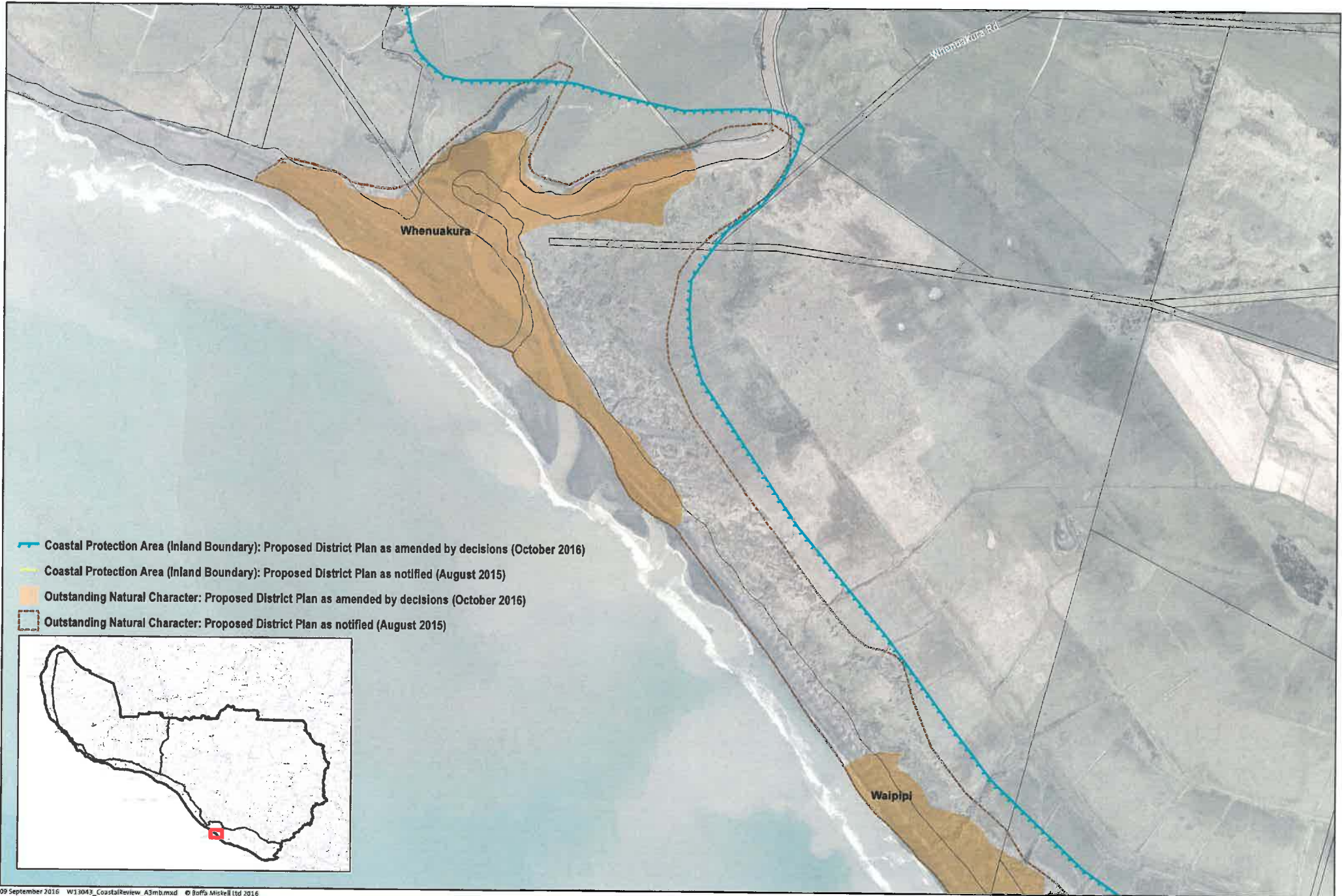
		same rules as for “maintenance”, however major alterations or extensions must be considered under rules which enable adequate consideration of effects which are likely to be similar to new those for structures.	
New definition: Minor alteration or extension		For the reasons set out in relation to “maintenance” above	Minor alteration or extension means, the alteration of s structure where the alteration or extension is within the same footprint, does not result in an increase in adverse effects over effects generated from the operation and maintenance of the structure
New definition: Major alteration or extension		For the reasons set out in relation to “maintenance” above	Any alteration or extension which does not meet the definition of minor alteration or extension.
Marine and coastal area	Support		retain
Maintenance dredging	Support		retain
Method	Support		retain
Natural	Support		retain
Natural character	Support in part	It is not clear how this definition relate to the NZCPS	Include in the definition that protection of natural character of the coastal environment is set out in policy 13 of the NZCPS
Natural feature	Support in part	It is not clear how this definition relate to the NZCPS	Include in the definition that protection of natural character of the coastal environment is set out in policy 15 of the NZCPS
Natural landscape	Support in part	It is not clear how this definition relate to the NZCPS	Include in the definition that protection of natural character of the coastal environment is set





			out in policy 15 of the NZCPS
Naturally rare or originally rare	Support		retain
Navigation aid	Support in part	It is not clear within the rule conditions and matters for control or discretion or general standards that navigation aids may result in adverse effects from noise.	Amend the plan provisions to address noise effects of navigation aids
Network utility	Support		retain
Offshore installation or installation	Support		retain
Open coast	Support in part	Include an actual definition of the areas, stating that it is the remaining area or the CMA or coastal environment. See submission on Policy 1 above.	Amend plan provisions as necessary to address submission concerns.
Outstanding Value	oppose	This definition appears to be a repeat aspects of “Coastal are of outstanding value” (ie schedules) and raises considerations not set out in the policies of the plan (ie RPS). It is more appropriate in our view to define “Outstanding value” as it is determined under Policy 8 of the plan.	Amend the definition to refer to areas identified under Policy 8
Petroleum	Support		retain
Pipeline	Support		retain
Port	Support in part	This doesn’t make sense of the common meaning of port. Policy 1 sets out his the “port” is port Taranaki. Be clearer if they said it was the Port of Taranaki	Amend to state the port is port Taranaki, alternately delete the definition.
Port Air Zone	Port Air Zone refer Schedule 8 of the Plan.	This definition does not explain what the Port Air Zone is. It would also help to clarify that the only port is port of Taranaki.	Clarify that this relates to Port Taranaki
Produced water	Support		retain
Rare and uncommon ecosystem type	Support		retain
Regionally distinctive	Support		retain

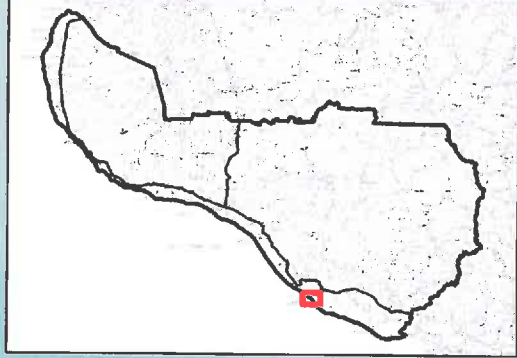
Regionally important infrastructure	Support		retain
Repair	Oppose	As set out in relation to “maintenance” above, repair is a key aspect of maintenance and must be included within that definition.	delete
Reverse sensitivity	Support		retain
Seascape	Support		retain
Sensitive marine benthic habitats	Support		retain
Sewage	Support		retain
Significant indigenous biodiversity	Significant indigenous biodiversity means areas or habitats that meet one or more of the criteria in Policy 14 of the Plan.	This provides a clear definition in terms of the relevant policy in the plan	Retain
Stormwater	Support		retain
Surf break	Support		retain
Surfable wave	Support		retain
Synthetic based drilling muds	Support		retain
Threatened	Support		retain
Wastewater	Support		retain
Water based drilling muds	Support		retain
Water quality	Support		retain
Well	Support		retain
wetland	Support		retain

Appendix 1: sample of South Taranaki District Plan - coastal protection area map

450



-  Coastal Protection Area (Inland Boundary): Proposed District Plan as notified (August 2015)
-  Coastal Protection Area (Inland Boundary): Proposed District Plan as amended by decisions (October 2016)
-  Outstanding Natural Character: Proposed District Plan as notified (August 2015)
-  Outstanding Natural Character: Proposed District Plan as amended by decisions (October 2016)



09 September 2016 W13043_CoastalReview_A3mb.mxd © Boffa Miskell Ltd 2016



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Appendix 3: Significance Assessment Criteria

The purpose of the following criteria is to determine whether an area is significant in terms of Section 6(c) of the Resource Management Act 1991.

Although Appendix 2 includes a schedule of threatened, at risk and rare habitats, this is by no means definitive. Policy BIO.2 requires site-specific (on the ground) ecological assessments to verify the ecological significance of the Schedule in Appendix 2 and determine where there is the potential for activities and development to affect other areas of indigenous biodiversity that could be deemed to be significant indigenous vegetation or significant habitats of indigenous fauna.

An area is significant if it meets one or more of the criteria listed below.

(a) Representativeness

- (i) Indigenous vegetation or habitat of indigenous fauna that is representative, typical or characteristic of the natural diversity of the relevant ecological district or coastal biogeographic region. This can include degraded examples where they are some of the best remaining examples of their type, or represent all that remains of indigenous biodiversity in some areas.
- (ii) Indigenous vegetation or habitat of indigenous fauna that is a relatively large example of its type within the relevant ecological district or coastal biogeographic region.

(b) Rarity/Distinctiveness

- (i) Indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent in the Region, or relevant land environment, ecological district, freshwater environment, or coastal biogeographic region.
- (ii) Indigenous vegetation or habitat of indigenous fauna that supports an indigenous species that is threatened, at risk, or uncommon, nationally or within the relevant ecological district or coastal biogeographic region.
- (iii) The site contains indigenous vegetation or an indigenous species at its distribution limit within Southland Region or nationally.
- (iv) Indigenous vegetation or an association of indigenous species that is distinctive, of restricted occurrence, occurs within an originally rare ecosystem, or has developed as a result of an unusual environmental factor or combinations of factors.

(c) Diversity and Pattern

- (i) Indigenous vegetation or habitat of indigenous fauna that contains a high diversity of indigenous ecosystem or habitat types, indigenous taxa, or has changes in species composition reflecting the existence of diverse natural features or ecological gradients.

(d) Ecological Context

- (i) Vegetation or habitat of indigenous fauna that provides or contributes to: an ecological linkage, ecological corridor or network; buffering function; or ecosystem service.
- (ii) A wetland which plays an important hydrological, biological or ecological role in the natural functioning of a water body, including a river or coastal system, or springs, lakes and streams.
- (iii) Indigenous vegetation or habitat of indigenous fauna that provides important habitat (including, but not limited to, refuges from predation, or key habitat for feeding, breeding, or resting) for indigenous species, either seasonally or permanently.

Appendix 3 - relevant Important Bird Areas for Taranaki Coastal Plan

NZ M005	Cook Strait
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Location	New Zealand, South Taranaki Bight, Cook Strait
IBA criteria (see page 14)	A1, A4ii, A4iii
Area	37,776 km ²
Year of Assessment	2013

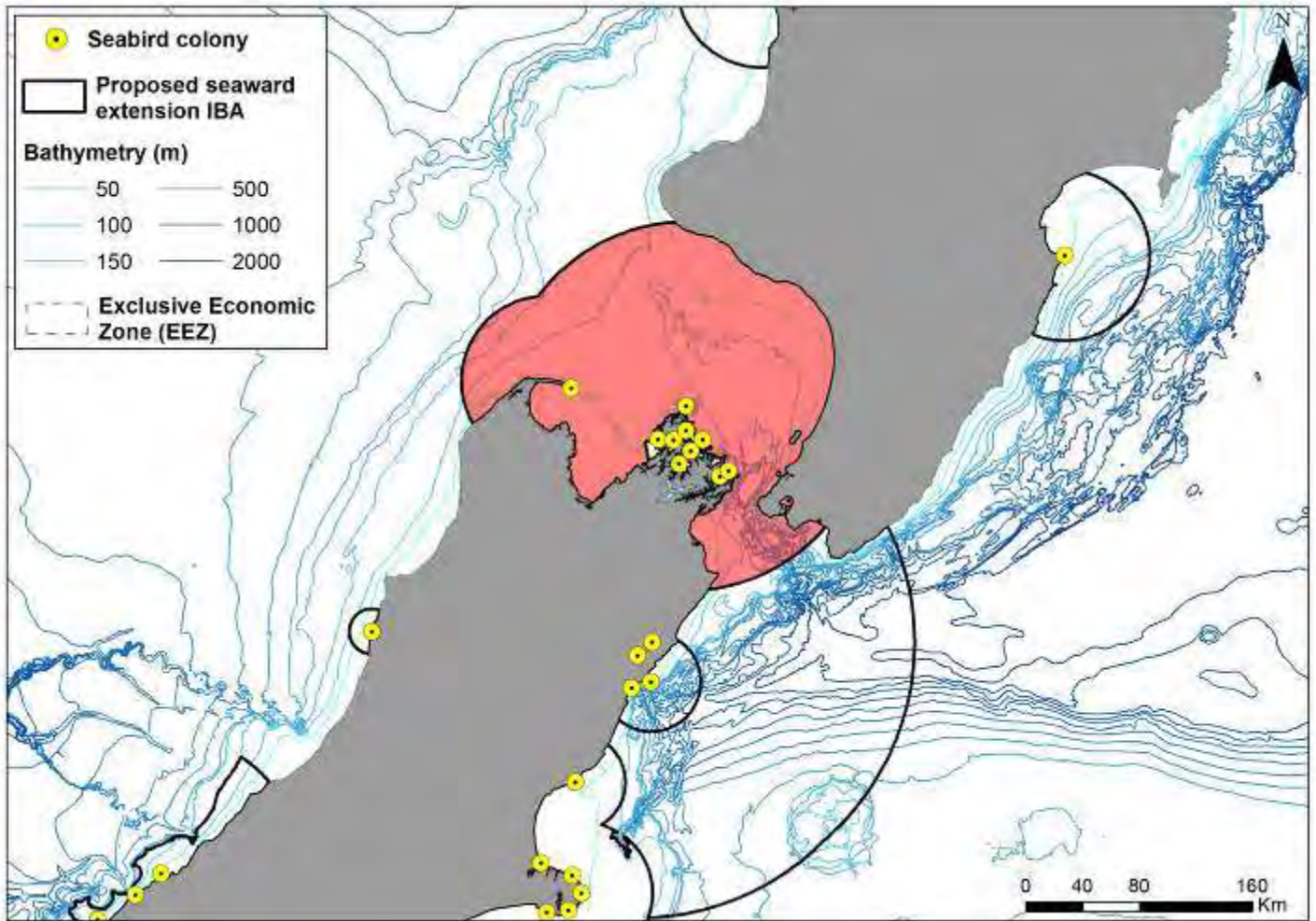
IBA trigger species:

Species	Tracking	Supporting data	Activity	IBA criteria	IUC
Fairy Prion		Seaward extensions (135km), observations	Foraging	A4ii	LC
Fluttering Shearwater	GLS	Seaward extensions (30km), observations	Foraging	A4ii	LC
Sooty Shearwater		Observations	Foraging, passage	A1, (A4iii)	NT
Australasian Gannet	GPS	Seaward extensions (60km), observations	Foraging	A4ii	LC
Black-billed Gull ¹		Observations	Post-breeding foraging	A1	EN
Black-fronted Tern ¹		Observations	Post-breeding foraging	A1	EN
Antipodean Albatross		Observations	Passage	A1	VU
Northern Royal Albatross		Observations	Passage	A1	EN
White-capped Albatross		Observations	Passage	A1	NT
Salvin's Albatross		Observations	Passage	A1	VU
Westland Petrel		Observations	Passage	A1, A4ii	VU
White-chinned Petrel		Observations	Passage	A1	VU
Buller's Shearwater	GLS	Observations	Passage	A1	VU
Hutton's Shearwater	GLS	Observations	Passage	A1, A4ii	EN
Species group (multiple species including a number not listed above)		Observations		A4iii	

¹ Included in Farewell Spit, Motueka, Wairau Lagoons and Lake Grassmere IBAs - all of which include coastal waters.

NB: Cook Strait is a major passage or flyway for pelagic seabirds breeding outside the region, including birds from northern islands (e.g. Buller's Shearwaters, Grey-faced Petrel), the West Coast of the South Island (e.g. Westland Petrel) and Subantarctic islands (e.g. Salvin's Albatross, Antipodean Albatross).

Protected area	Designation	Area (km ²)	Relationship with IBA
Cook Strait	MPA Cable Zones		Protected area contained within site
Kapiti, Taputeranga (Island Bay), Tonga Island (Able Tasman)	Marine Reserve	48.57	Protected area contained within site



Fairy Terns. Photo: Frederic Pelsy

Your name

Elise Smith

Organisation (if applicable)

Nga Motu Marine Reserve Society Inc.

Address

320 B Frankley Road
Ferndale
New Plymouth

Daytime phone number

0211293393

Email address

seasense@seasense.org.nz

Could you gain an advantage in trade competition through this submission?

No

Do you wish to be heard in support of your application?

Yes

Your submission on the Proposed Plan

Thank you for the opportunity to submit on the Proposed Coastal Policy Plan. We commend the council on the clear documentation and navigation through the documents.

1. The Society supports the inclusion of eight coastal areas of outstanding value and the nine outstanding natural features or landscapes. We are particularly pleased to see the inclusion of ONC 6 'Project Reef' p 129, and ONC 7 North and South Traps, p 130; in Schedule 2 of the Draft Coastal Plan.

2. The Society does not support the Activity 'Seismic surveying or bathymetric testing involving discharge of energy into water in the coastal marine area and any associated noise.' We have concerns that the effects have not been adequately evaluated in New Zealand, as international evidence suggests detriment to all forms of marine life, from plankton to seals, to whales. Rules 12, 13, 14, p53. We wish the Taranaki Regional Council to remove and to 'Refuse' this Activity.

Your comment on documents incorporated by reference in the Proposed Plan, as detailed in Schedule 9 (comment optional)

The Society is very concerned about the effects of seismic surveying under Rule 11. The "2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations". We consider that seismic surveys should not be permitted due to the effects on all marine life. There is insufficient information published about the affected species in Taranaki waters, and discussion about the effects.

Document/file 1**Document/file 2**



**SUBMISSION ON THE PROPOSED COASTAL PLAN FOR TARANAKI PURSUANT TO
CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991**

TO: Taranaki Regional Council
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NEW ZEALAND

coastal@trc.govt.nz

SUBMITTER: Powerco Limited
Private Bag 2061
New Plymouth 4342

ADDRESS FOR SERVICE: BURTON PLANNING CONSULTANTS LIMITED
Level 1, 2-8 Northcroft Street
PO Box 33-817, Takapuna
AUCKLAND 0740

Attention: Mark Laurensen

Phone: (09) 917-4302

Fax: (09) 917-4311

E-Mail: mLaurensen@burtonconsultants.co.nz

File: 16/093.1

A. INTRODUCTION

1. Powerco Limited (*Powerco*) is New Zealand's largest electricity and second largest gas distributor in terms of network length and has been involved in energy distribution in New Zealand for more than a century. The Powerco network spreads across the upper and lower central North Island servicing over 400,000 consumers. This represents 46 percent of the gas connections and 16 percent of the electricity connections in New Zealand. These consumers are served through Powerco assets including over 30,000 kilometres of electricity lines (including overhead lines and underground cables) and over 6,200 kilometres of gas pipelines.
2. Powerco has electricity sub-transmission and distribution networks as well as gas distribution within the Taranaki Region. It supplies a range of users along the coast, including those in major urban areas such as New Plymouth, as well as smaller settlements.
3. Under the RMA, Powerco's electricity and gas infrastructure is a significant physical resource that must be sustainably managed and any adverse effects on it must be avoided, remedied or mitigated.
4. Powerco's network is not covered by the National Policy Statement on Electricity Transmission 2008, which is limited only to Transpower's electricity network – the National Grid. Notwithstanding that, many of the issues for Powerco are the same or similar as for the National Grid. The National Environmental Standards for Electricity Transmission Activities 2009 similarly only applies to the National Grid.
5. Powerco's gas and electricity networks are recognised in the Taranaki Regional Policy Statement (*RPS*) as regionally significant infrastructure. It is appropriate that their management is comprehensively addressed in the Proposed Coastal Plan for Taranaki (*PCP*).
6. Powerco's assets are primarily, but not exclusively, located outside the Coastal Marine Area (*CMA*). In particular Powerco's overhead lines span the CMA at several points along the coast. Powerco also has a range of assets in the wider coastal environment. The nature and extent of these assets is unclear as the coastal environment has not been mapped in the PCP.
7. Powerco seeks to ensure that the PCP provides appropriately for electricity and gas distribution and sub-transmission activities, including the ongoing operation, maintenance, upgrading and development of its network without any unnecessary constraints. Of particular relevance to this matter, this requires:
 - Provision for the ongoing maintenance, repair, and upgrading of existing gas and electricity assets, including in sensitive coastal management areas;

- Provision for establishment of new network infrastructure when and where required, having regard to (inter alia) the extent to which any adverse effects have been avoided, remedied or mitigated; and
- Protection of gas and electricity distribution network infrastructure from activities and development within close proximity.

B. THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN THAT POWERCO'S SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:

8. This submission relates primarily to Sections 4 (Objectives), 5 (Policies) and 8 (Regional Rules) as well as the proposed definitions of the PCP.
9. The rationale for Powerco's submission on each of these matters, the specific provision submitted on and the relief sought is set out in the attached schedules. Deletions to proposed provisions are in strikethrough and additions in underline.
10. In addition to the specific outcomes sought in the attached Schedules, the following general relief is sought:
 - (a) Achieve the purpose and principles of the Resource Management Act 1991 (RMA) and consistency with the relevant provisions in Sections 6 - 8 RMA;
 - (b) Give effect to the New Zealand Coastal Policy Statement (NZCPS) and the RPS;
 - (c) Assist the Council to carry out its functions of achieving the integrated management of the effect of the use, development or protection of land;
 - (d) Meet the requirements of the statutory tests in section 32 of the RMA;
 - (e) Avoid, remedy or mitigate any relevant and identified environmental effects;
 - (f) Make any consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the PCP that are not specifically subject of this submission but are required to ensure a consistent approach is taken throughout the document; and
 - (g) Any other relief required to give effect to the issues raised in this submission.

C. POWERCO WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION

D. IF OTHERS MAKE A SIMILAR SUBMISSION, POWERCO WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.

E. POWERCO COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

F. POWERCO ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT-

- i. **ADVERSELY AFFECTS THE ENVIRONMENT; AND**

**ii. DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE
COMPETITION.**

Signed on behalf of Powerco Limited

A handwritten signature in black ink, appearing to read 'M. Laurensen', with a long horizontal flourish extending to the right.

Mark Laurensen
Senior Planner

Dated this day of 27 April 2018

SCHEDULE ONE DEFINITIONS

A. The specific definitions of the PCP subject of this submission are:

- Coastal environment, which is opposed
- Functional need, which is proposed
- Maintenance, which is supported in part
- Repair, which is opposed
- Structure, which is supported
- Network utility, which is supported
- Regionally important infrastructure, which is supported
- Reverse sensitivity, which is supported in part

B. The reason for the submission:

Coastal Environment

Coastal environment means the areas where coastal processes, influences or qualities are significant, including lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these and includes the coastal marine area.

It is neither efficient nor effective to require the coastal environment to be defined on a case by case basis as required by the proposed definition and Policy 4 (Extent and characteristics of the coastal environment). Such an approach will lead to significant costs and uncertainties, including disputes as to whether the PCP is even relevant to particular activities.

The proposed definition does not give effect to Policy 1 of the NZCPS which addresses the extent and characteristics of the coastal environment. In particular the proposed definition is inappropriately focused on matters addressed at (2)(a) and (2)(c) of Policy 1 to the NZCPS. In doing so the proposed definition fails to recognise the range of other areas and features which are relevant to the extent and characteristics of the coastal environment, for instance areas at risk from coastal hazards and physical resources and built facilities that have modified the coastal environment, including infrastructure.

The definition should be deleted and replaced with a definition which relies on appropriate mapping of the coastal environment. The following is proposed:

Coastal environment means all of the coastal marine areas, land inland to the point defined on the maps at Schedule X, the natural and physical resources within it, and the atmosphere above it.

Decisions on the PCP should not be issued until the coastal environment has been mapped and consulted upon. That will enable any debate as to the extent of the coastal environment to be had in the appropriate forum: the Plan review process.

Functional need

Functional need is used in the PCP but not defined.

Policy 6 of the NZCPS addresses activities in the coastal environment. Policy 6(2)(d) recognises that activities that do not have a functional need for location in the coastal marine area **generally** should not locate there (emphasis added). This policy, in its use of the term 'generally', is not absolute and the NZCPS envisages certain activities such as infrastructure locating within the coastal environment including, as is relevant in this case, the coastal marine area whether, or not, they may have a strictly functional need to locate there.

Electricity or gas network infrastructure, or other lineal infrastructure networks, may have a locational or operational need or requirement to traverse, locate or operate in the coastal marine area such as in instances where a cable, line or pipeline is required to supply areas within and alongside the coastal environment, or where they need to traverse the CMA. However, unlike a wharf, electricity and gas infrastructure can be located in a range of environments, it does not have to be in the CMA, and as such may not be considered to have a strict functional need to be in the CMA.

A new definition of functional need is proposed to help recognise that there are a range of activities that need to be located in the coastal environment, including the CMA. For Powerco, this is primarily infrastructure necessary to enable the effective and sustainable distribution of gas and electricity.

The following definition is proposed:

Functional need means a requirement for a proposal or activity to traverse, locate or operate in the coastal environment.

Maintenance, Repair, and Structure

Maintenance in relation to structures, includes activities which restore a structure or asset to its original authorised standard and purpose, and where the character, intensity and scale of the structure, asset or site remains the same or similar. It excludes the extension or repair of structures or assets, or change in location.

Repair means reconstruction.

Structure means any building, equipment, device or other facility made by people and which is fixed to land; and includes any raft.

Powerco's assets are primarily but not exclusively located outside the CMA. Powerco needs the ability to operate, maintain, and upgrade and develop its assets in both the CMA (primarily overhead lines) and within the coastal environment landward of the CMA (which potentially includes the full range of Powerco's gas and electricity assets).

Much of the maintenance work undertaken by Powerco arises when it has to replace older equipment with the modern equivalent or to replace a piece of equipment that is no longer working or is a safety risk. In requiring maintenance activities to restore an asset to its original authorised standard, the inference is that maintenance which is required to bring a standard up to a new standard is not provided for. This is opposed but could be readily addressed. Amendments are proposed below to help recognise that minor changes in alignment and positioning of network utility assets is appropriate.

Maintenance in relation to structures, includes replacement, repair, or renewal, activities for the purpose of keeping a structure in good condition and/or working efficiently ~~which restore a structure or asset to its original authorised standard and purpose,~~ and where the character, intensity and scale of the structure, or asset or site remains the same or similar. In relation to network utilities it includes the addition of extra lines. It excludes the extension ~~or repair~~ of structures or assets, or change in location.

Powerco also opposes the definition of repair as reconstruction which is not its ordinary meaning and will create confusion for plan users and is inappropriate. Repairs are a type maintenance activity and the standalone definition should be deleted.

The definition of structure is supported.

Network Utility

Network utility means any activity that a network utility operator would be authorised to carry out under section 166 of the Resource Management Act 1991.

The reliance on activities provided for under s166 RMA is supported.

Pipeline

Pipeline means a pipeline constructed or used to convey any matter or substance, and includes all machinery, tanks, and fittings connected to the pipeline.

The definition is supported as it recognises that pipelines are not limited to a pipe structure but require a broad range of ancillary equipment in order to function. In relation to Powerco's gas distribution assets, such ancillary equipment will include district regulator stations, gas measurement systems and pressure reducing stations.

Regionally important infrastructure

Regionally important infrastructure means infrastructure of regional and/or national importance and is:

- (a) Port Taranaki and its approaches¹ and on-going development to meet changing operational needs;*
- (b) facilities and arterial pipelines for the supply or distribution of minerals including oil and gas and their derivatives;*
- (c) the national electricity grid, as defined by the Electricity Industry Act 2010;*
- (d) facilities for the generation and/or transmission of electricity where it is supplied to the national electricity grid and/or the local electricity distribution network, including supply within the local electricity distribution network;*
- (e) defence facilities;*
- (f) flood protection works;*
- (g) infrastructure associated with the safe and efficient operation of state highways and the rail network;*
- (h) strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001;*
- (i) strategic radio communications facilities as defined in section 2(1) of the Radio Communications Act 1989;*

¹ A map of Port Taranaki and its approaches is contained in Appendix 4 of the Plan.

- (j) New Plymouth airport, including flight paths;*
- (k) arterial pipelines and pumping stations for the distribution of potable water and water treatment plants; and*
- (l) arterial pipelines and pumping stations for the collection of wastewater and stormwater, and wastewater treatment plants*

The RPS addresses regionally significant infrastructure and recognises that some network utilities (which include the supply and distribution of gas and electricity) and other infrastructure are of national as well as regional importance. The phrase regionally significant infrastructure is not defined in the RPS.

As included above, the PCP defines regionally important infrastructure. It is not clear from the section 32 report that the use of this similar but distinct term has been adopted intentionally. Consistent terminology across the PCP and in other documents in the hierarchy would be preferable. Powerco's submission seeks to provide scope for such a change.

As drafted, Powerco's existing gas assets are provided for at (b) and electricity assets at (d). This is appropriate given the regional importance or significance of these activities and the definition should be retained as notified.

Reverse sensitivity

Reverse sensitivity refers to the effects of sensitive activities on other lawfully established activities in their vicinity.

A range of activities may be susceptible to reverse sensitivity effects. As drafted, it could be interpreted that only sensitive activities, for instance residential activities, care facilities, and the like could be affected in this way. This does not recognise that other activities may also be affected. Amending the definition as set out below would retain the intent of the definition but provide clarity and minimise potential for misinterpretation:

Reverse sensitivity refers to the potential for the operation of an existing effects of sensitive activities on other lawfully established activities to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the proposed activity. ~~in their vicinity.~~

C. Relief sought (accepting that alternative wording may achieve the same intent):

- 1. Amend the definition of coastal environment to give effect to the NZCPS by making the following amendments, and by preparing and consulting on appropriate maps that identify the extent of the coastal environment, not just the CMA, prior to decisions on the PCP:**

~~Coastal environment means the areas where coastal processes, influences or qualities are significant, including lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these and includes the coastal marine area.~~

Coastal environment means all of the coastal marine areas, land inland to the point defined on the maps at Schedule X, the natural and physical resources within it, and the atmosphere above it.

- 2. Provide a definition of functional need as follows:**

Functional need means a requirement for a proposal or activity to traverse, locate or operate in the coastal environment.

- 3. Amend the definition of maintenance as follows:**

Maintenance in relation to structures, includes replacement, repair, or renewal, activities for the purpose of keeping a structure in good condition and/or working efficiently which restore a structure or asset to its original authorised standard and purpose, and where the character, intensity and scale of the structure, or asset or site remains the same or similar. In relation to network utilities it includes the addition of extra lines. It excludes the extension or repair of structures or assets, or change in location.

- 4. Delete the definition of repair and rely on its ordinary meaning.**
- 5. Retain the definitions of network utility, pipeline and structure as notified.**
- 6. Retain the definition of regionally important infrastructure.**
- 7. Ensure consistent use of the terms regionally important infrastructure and regionally significant infrastructure throughout the PCP.**
- 8. Substitute the term regionally important infrastructure for regionally significant infrastructure throughout the PCP to ensure consistency with the RPS.**

9. Amend the definition of reverse sensitivity as follows:

Reverse sensitivity refers to the potential for the operation of an existing effects of sensitive activities on other lawfully established activityies to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the proposed activity. ~~in their vicinity.~~

SCHEDULE TWO SCHEDULE 1 COASTAL MANAGEMENT AREAS AND SCHEDULE 2 COASTAL AREAS OF OUTSTANDING VALUE

A. The specific parts of the PCP subject of this submission are:

- Schedule 1 and Schedule 2, which are opposed in part

B. The reason for the submission:

Powerco seeks to ensure that the spatial extent of the coastal management areas are mapped appropriately, namely the outstanding areas and the modified and unmodified estuaries, referred to collectively below as the sensitive areas. This is particularly important where there is significant existing development in these sensitive areas, for instance overhead electricity lines and roads as well as significant built development and farmland. While some of this development is landward of the CMA and will therefore not be subject to the rules of the PCP, it is likely to be considered within the coastal environment and therefore the objectives and policies of the PCP will apply in these areas. Noting the strong direction in the NZCPS, activities in these sensitive areas may be subject to potentially significant constraints where they are not permitted activities.

If the revised mapping demonstrates that the sensitive areas do in fact encompass areas of significant development, including existing infrastructure and network utilities, Powerco seeks that the existence of these features is clearly recognised in the corresponding descriptions of the characteristics that make up these areas, for instance at section 1.7, Policy 1, and Schedule 2. This is primarily to ensure that there is an appropriate policy framework to support the ongoing operation, maintenance and upgrading of this existing infrastructure, noting that these features are part of the existing environment and that these activities have not precluded the classification of these areas.

Powerco does not consider that the sensitive areas have been appropriately mapped at a number of locations. For example, the Kaupokonui Estuary is proposed as a new ONFL. The aesthetic and scenic values of the site are assessed at Schedule 2 of the PCP as very high with the values and characteristics described including the 'low impact recreation and camping facilities' and 'the camping ground and associated buildings remain low impact and ensure the coherence of natural values in the area are retained'. As mapped, the ONFL includes significant built development associated with

existing use of the area for recreation. This includes a sealed access road, a number of holiday homes, and a motorcamp, including powered and unpowered sites, cabins, a playground, and an ablution block, presumably with a wastewater discharge. Powerco provides electricity to the area via overhead lines within the ONFL (but outside the CMA). There is an existing pedestrian bridge across the river mouth and a significant area of the mapped ONFL is farmland. Powerco does not consider that this area constitutes an ONFL, at least not beyond the CMA.

The ONFLs at the mouths of the Mahakatino and Tongaporutu Rivers also encompass overhead electricity infrastructure and State Highway 3 (SH3), including within the CMA. While Powerco does not have assets in this northern part of the region, they provide another example of where it is very difficult to align the existing environment with the description in Schedule 2 which describes the aesthetic and scenic values of these estuaries as highly natural and scenic and does not reference this regionally important/significant infrastructure.

Powerco also questions the classification of the Onaero Estuary as an unmodified estuary. The identified area encompasses two river crossings seaward of the SH3 bridge as well as overhead electricity lines spanning the estuary. It is very difficult to align this with an unmodified estuary classification. As Powerco's lines spanning the estuary are located within the CMA, the PCP rules will apply to them.

Urenui Estuary is similarly mapped as an unmodified estuary. Powerco has overhead lines crossing a discrete part of this estuary which sits adjacent to significant urban development at Urenui. Again this does not appear to necessarily support an unmodified estuary classification.

Powerco also has assets located within the Patea modified estuary. They are located immediately south of the existing bridge, roughly overhead of the remnants of an older bridge. The identified area should be revisited to ensure the landward extent of the modified estuary coastal management area is appropriate, noting that it could be readily adjusted to exclude this existing infrastructure and that the boundary of the management area does not have to align with the boundary of the Coastal Marine Area.

Maps showing Powerco's assets in these sensitive areas are included at Annexure 1.

C. Relief Sought:

- 10. Modify the maps at Schedules 1 and 2 to ensure that the extent of sensitive coastal management areas are appropriate having particular regard to existing infrastructure, including roads and overhead electricity lines.**
- 11. Amend the corresponding descriptions of the coastal management areas throughout the PCP to recognise existing infrastructure in these sensitive areas to ensure it can be operated, maintained, and upgraded as appropriate.**

SCHEDULE THREE
SECTION 1 INTRODUCTION AND SECTION 2 STATUTORY AND PLANNING FRAMEWORK

A. The specific parts of the PCP subject of this submission are:

- Geographic extent (section 1.4.1 of the PCP), which is supported
- Coastal environment (section 1.4.2 of the PCP), which is supported
- Coastal management areas (section 1.7 of the PCP), which is supported in part
- NZCPS (section 2.2 of the PCP), which is supported in part

B. The reason for the submission

Section 1.4.1 Geographic extent and Section 1.4.2 Coastal environment

The clarification at section 1.4.1 that the objectives, general policies and methods (excluding rules) address not only the coastal marine area but the wider coastal environment is supported. As set out at 1.4.2, Powerco recognises the integrated nature of the wider coastal environment and that the plan includes provisions that apply across the coastal environment. Powerco supports the recognition that the rules of the Plan however only apply in the CMA. However, as set out with regard to the definition of coastal environment, Powerco considers that the coastal environment needs to be mapped.

Section 1.7 Coastal management areas

Powerco supports the principle of the five coastal management areas comprising Outstanding Value, Estuaries Modified and Unmodified, Port and Open Coast. It is appropriate that particular areas are identified for their respective characteristics and that different provisions apply accordingly.

Within the text relating to the Port and Open Coast areas specific reference is made to the presence of regionally important infrastructure. This is supported. As addressed in detail at Schedule Two of this submission, Powerco has assets located in areas of outstanding value and estuaries both modified and unmodified. It is necessary to at least refer to the presence of existing infrastructure in the broad descriptions of these coastal management areas. Without such reference it may be interpreted that these areas do not and should not contain infrastructure and this is not appropriate. This could be achieved by adding the following to each of the three sensitive areas listed:

These areas may contain regionally important infrastructure.

Section 2.2 NZCPS

Section 2.2 is supported however specific reference to infrastructure is appropriate in light of the direction provided by the NZCPS and RPS in this regard

The provision of infrastructure together with consideration of other values of the coastal environment is a key consideration in terms of providing for use and development. The provision of electrical and gas infrastructure to provide security of supply throughout coastal areas and the region as a whole is important to the social, economic and cultural well-being of people and communities.

This could be addressed by adding an additional bullet point as follows:

Recognising and providing for infrastructure

C. Relief sought (accepting that alternative wording may achieve the same intent):

12. Retain sections 1.4.1 and 1.4.2 as notified.

13. Retain section 1.7, including the five coastal management areas, subject to an amendment to ensure that the presence of existing infrastructure in all of these areas is appropriately recognised. This could be achieved by adding a sentence to paragraphs 1.7.1 to 1.7.3 as follows:

These areas may contain regionally important infrastructure.

14. Retain section 2.2 subject to an amendment to specifically recognise and provide for infrastructure.

Recognising and providing for infrastructure

SCHEDULE FOUR SECTIONS 4 AND 5 OBJECTIVES AND POLICIES

A. The specific parts of the PCP subject of this submission are:

- Objective 1, which is supported
- Objective 2, which is supported
- Objective 3, which is supported in part
- Objective 6, which is supported
- Objective 7, which is supported
- Objective 8, which is opposed in part
- Policy 1, which is supported in part
- Policy 2, which is supported in part
- Policy 4, which is opposed
- Policy 5, which is supported in part
- Policy 6, which is supported in part
- Policy 7, which is opposed in part
- Policy 8, which is supported in part
- Policy 9, which is supported in part
- Policy 10, which is supported
- Policy 14, which is opposed in part
- Policy 15, which is supported
- Policy 17, which is supported
- Policy 18, which is supported
- Policy 19, which is supported
- Policy 31, which is supported
- Policy 32, which is supported
- Policy 36, which is supported
- Policy 37, which is supported in part
- Policy 41, which is supported

B. The reason for the submission

Powerco is concerned that a number of objectives and policies paraphrase the RMA and the NZCPS and may be perceived as not giving effect to the NZCPS. In light of recent case law, Powerco seeks to ensure that the PCP gives effect to the NZCPS and provides appropriately for its activities, potentially including activities in sensitive management areas.

Powerco also seeks to ensure that the PCP gives effect to the RPS which recognises that Powerco's networks are regionally significant infrastructure. The RPS includes provisions which are of particular relevance to Powerco's networks, namely:

Objective 15.1 – To provide for the continued safe and efficient operation of the region’s network utilities and other infrastructure of regional significance (including where this is of national importance), while avoiding, remedying or mitigating adverse effects on the environment.

INF Policy 1 – Provision will be made for the efficient and effective establishment, operation, maintenance and upgrading of network utilities and other physical infrastructure of regional significance (including where this is of national importance), and provision for any adverse effects of their establishment to be avoided, remedied or mitigated as far as is practicable.

INF Policy 2 – The adverse effects of subdivision, use and development on the safety, efficiency, operation, maintenance and upgrading of the region’s network utilities and on other physical infrastructure of regional significance (including where this is of national importance), will be avoided or mitigated.

INF POLICY 4 - New land use generated by growth and development and the associated local, regional and national infrastructure to service that growth should be integrated and planned alongside one another to avoid either constraints being imposed on necessary growth and development by the lack of supporting infrastructure or to avoid unsustainable demands being placed on infrastructure to meet new growth.

Objective 1: Integrated management

Management of the coastal environment, including the effects of use and development on land, air and fresh water, is carried out in an integrated manner.

The proposed objective adds little to what is required by ss30(1)(a) of the RMA but is supported.

Objective 2: Appropriate use and development

Natural and physical resources of the coastal environment are used efficiently, and activities that depend on the use and development of these resources are provided for in appropriate locations.

Powerco has assets in the CMA and wider coastal environment which are essential to serve coastal communities. Powerco supports the recognition that there are activities that depend on the use and development of the coastal environment and these should be provided for. Powerco considers that in providing for the use of natural and physical resources of natural and physical resources the objective will support the continued operation, maintenance and upgrade of these assets.

Objective 3: Reverse sensitivity

The use and ongoing operation of nationally and regionally important infrastructure and other existing lawfully established activities is protected from new or inappropriate use and development in the coastal environment.

Powerco supports the intent of this objective subject to minor changes to recognise the need to provide for the maintenance and upgrading of this infrastructure, not just its operation.

The use and ongoing operation, maintenance, and upgrading of nationally and regionally important infrastructure and other existing lawfully established activities is protected from new or inappropriate use and development-in the coastal environment.

Objectives 6 and 7

Objective 6: *Natural character - The natural character of the coastal environment is preserved and protected from inappropriate use and development and is restored where appropriate.*

Objective 7: *Natural features and landscapes - The natural features and landscapes of the coastal environment are protected from inappropriate use and development.*

Objectives 6 and 7 add little to Policies 13, 14 and 15 of the NZCPS. In requiring preservation and protection of natural character objective 6 is directive and potentially has significant implications for activities in the coastal environment. However, the directiveness of the policy is tempered somewhat by only stipulating that this applies to ***inappropriate*** use and development. On this basis Powerco supports objective 6 and for the same reasons supports objective 7.

Objective 8: Indigenous Biodiversity

Indigenous biodiversity in the coastal environment is maintained and enhanced and areas of significant indigenous biodiversity in the coastal environment are protected.

Objective 8 directs that areas of significant indigenous biodiversity be protected and that other areas of indigenous biodiversity are maintained and enhanced. Powerco supports the intent of the objective but is concerned that areas of significant indigenous biodiversity are not mapped and therefore it is unclear whether these areas will intersect with its network and potentially its ability to operate, maintain and upgrade its assets. Powerco seeks to ensure that this objective, Policy 14 and corresponding rules do not unreasonably constrain the operation, maintenance, and upgrade of existing regionally important infrastructure.

Policy 1: Coastal management areas

Policy 1 recognises that different areas have values, characteristics or uses and that consequently different management measures are required. The policy lists these key management areas and their characteristics.

As set out at Schedule Two of this submission, Powerco has existing assets in areas of outstanding value and estuaries unmodified and modified. The existence of these assets is not reflected in the characteristics of outstanding value and estuaries unmodified although are reflected in terms of estuaries modified, at least in so much as matter (c)(i) refers to 'placement of structures'.

It is important that Powerco is able to operate, maintain and upgrade its assets in these areas and recognition that these areas include regionally important infrastructure is important to this.

To ensure this is provided for, Powerco seeks to have the existence of infrastructure in these areas explicitly recognised in Policy 1. The following addition is proposed at 1(a), 1(b) and 1(c):

These areas may contain regionally important infrastructure.

In addition, references to infrastructure at 1(d) and 1(e) should be retained as notified.

Policy 2: Integrated management

Policy 2 is supported subject to amendments to clause (f). In particular Powerco seeks that the reference to refer to functional need as defined in Schedule One of this

submission². The proposed definition provides certainty for plan users regarding what these functional needs are.

(f) managing natural and physical coastal-resources in a manner that has regard to the social, economic and cultural objectives and well-being of the community and the functional need and/or location constraints of nationally or regionally important infrastructure; and

Policy 4: Extent and characteristics of the coastal environment

Determine the inland extent of the coastal environment for the purposes of policies under Section 5.1 of the Plan on a case by case basis by having regard to:

- (a) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas; and*
- (b) the geographic extent to which activities within the coastal marine area may cause adverse effects on significant values and characteristics landward of the coastal marine area.*

Policy 4 sets out that the coastal environment will be defined on a case by case basis.

As set out with regard to the proposed definition of coastal environment, it is neither efficient nor effective to require the coastal environment to be defined on a case by case basis. Such an approach will lead to significant costs and uncertainties, including disputes as to whether the PCP is relevant to a particular activity. The proposed policy is opposed and should be deleted and replaced with comprehensive mapping of the coastal environment, not just the CMA.

Policy 5: Appropriate use and development of the coastal environment

Retain Policy 5 subject to amendments to clause (a) and (b) to more clearly convey the intent of the policy.

Determine whether use and development of the coastal environment is in an appropriate place and form and within appropriate limits by having regard to:

² Functional need means a requirement for a proposal or activity to traverse, locate or operate in the coastal environment.

- (a) *the functional need for the activity to be located in the coastal marine area. Conversely, ~~Activities~~ that do not have a functional need to be located in the coastal marine area generally should not be located there (unless the non-marine related activity complements the intended use and function of the area);*
- (b) *the benefits to be derived from the activity at a local, regional and national level, including the potential contribution of aquaculture and marine based renewable energy resources;*
- (c) *the appropriateness of the proposed design, and methodology, and whether it is the best practicable option, location or route of the activity in the context of the receiving environment and any possible alternatives;...*

Policy 6 Activities important to the well-being of people and communities

The intent of the policy 6 is supported subject to a minor amendment to specifically provide for the safe and efficient operation of infrastructure and give effect to Objective 15.1 of the RPS.

Recognise and provide for the safe and efficient operation of new and existing infrastructure of regional importance or of significance to the social, economic and cultural well-being of people and communities in Taranaki, subject to appropriate management of adverse environmental effects.

Policy 7: Impacts on established operations and activities

Objective 3 of the PCP requires protection of regionally important infrastructure from new or inappropriate use and development. In requiring the avoidance, remedy or mitigation of adverse effects, Policy 7 is noticeably less directive and does not give effect to the overarching PCP objective or Policy 1 of the RPS. The following is proposed:

~~Avoid, remedy or mitigate the adverse effects of activities, including reverse sensitivity impacts, on existing lawfully established activities~~ Restricting the establishment or intensification of activities that may result in reverse sensitivity effects by:

- (a) *Avoiding significant adverse effects on infrastructure of national or regional importance;*

(b) Avoiding, remedying or mitigating other adverse effects on infrastructure of national or regional importance;

(c) Avoiding, remedying or mitigating adverse effects on other activities.

Policy 8: Areas of outstanding value

Policy 8 relates to areas of outstanding value. Powerco has assets in the ONFL at Kaupokonui.

As set out at Schedule Two of this submission, the ONFL includes significant built development associated with existing use of the area for recreation. This includes a sealed access road, a number of holiday homes, and a motorcamp, including powered and unpowered sites, cabins, a playground, and an ablution block, presumably with a wastewater discharge. Powerco provides electricity to the area via overhead lines within the ONFL but outside the CMA. There is an existing pedestrian bridge across the river mouth and a significant area of the mapped ONFL is farmland.

In the first instance, Powerco seeks that the mapping is revisited. However, if the extent of the ONFL is retained, Powerco seeks to ensure that the presence of infrastructure is recognised and that Policy 8 enables its operation, maintenance, and upgrade. This could be achieved by amending Policy 8 as follows:

Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:

(a) avoiding adverse effects of activities on the values and characteristics identified in Schedule 2 that contribute to areas:

(i) having outstanding natural character; and/or

(ii) being outstanding natural features and landscape;

within or adjoining coastal management area – Outstanding Value; and

(b) maintaining significant seascapes and visual corridors associated with outstanding natural features and landscapes, including views from within the landscapes or features, and views of the landscapes and features;

(c) recognising the need to provide for the ongoing operation, maintenance, and upgrade of existing infrastructure.

Policy 9: Natural character and natural features and landscapes

Similar changes are proposed to ensure the safe and efficient operation of regionally important infrastructure is recognised in other areas of natural character and natural features. This is appropriate given the importance of this infrastructure and the need to give effect to the NZCPS and RPS.

Protect all other areas of the coastal environment not identified in Schedule 2 by:

- (a) avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on natural character and natural features and landscapes by having regard to the extent to which the activity:*
 - (i) contributes to the enhancement or restoration of natural character;*
 - (ii) is compatible with the existing level of modification to the environment, including by having particular regard to Policy 1;*
 - (iii) is appropriate for the context of the area within the surrounding landscape, its representativeness and ability to accommodate change;*
 - (iv) is of an appropriate form, scale and design to be sympathetic to the existing landforms, features and vegetation (excluding high visibility markers required for safety or conservation purposes) or is of a temporary nature and any adverse effects are of a short duration and are reversible;*
 - (v) maintains the integrity of significant areas of indigenous vegetation;*
 - (vi) maintains the integrity of historic heritage;*
 - (vii) maintains physical, visual (including seascapes) and experiential attributes that significantly contribute to the scenic, wild or other aesthetic values of the area; and*
 - (viii) alters the integrity of landforms and features, or disrupts the natural processes and ecosystems.*
 - (ix) is necessary to provide for the safe and efficient operation, maintenance, upgrade and development of regionally important infrastructure.*

Policy 10 Restoration of natural character

Promote the restoration or rehabilitation of natural character of the coastal environment particularly in relation to dunes, estuaries, coastal wetlands, coastal indigenous vegetation cover and habitats, ecological corridors, coastal water quality, and land stability where human-induced soil or coastal erosion is an issue.

The direction to promote restoration of natural character is supported, including in relation to the particular areas identified.

Policy 15: Historic Heritage

Policy 15 addresses historic heritage. Clause (b) requires the avoidance of significant adverse effects and the management of other adverse effects on the values associated with sites of significance to Maori. Powerco has assets within sites of significance to Maori and supports the management approach to adverse effects provided in this overlay.

Policy 17: Public Access

Policy 17 seeks to maintain and enhance public access to the coastal environment. Powerco requires access, including vehicular access, to the coastal environment to operate, maintain, upgrade and develop its infrastructure. The proposed policy provides avenues for Powerco to demonstrate consistency with the policy and is supported.

Policy 18: Amenity Values

Policy 18 requires the maintenance and enhancement of amenity values by avoiding, remedying or mitigating adverse effects on a range of areas, including outstanding value and significant amenity. Powerco supports this management approach

Policy 19: Surf breaks and Significant Surfing Area

Powerco has assets within the landward part of the Significant Surfing Area. Subject to the retention of clause (d), Powerco anticipates being able to continue to operate and maintain these assets.

Policies 31, 32 and 36

Policy 31: Structures that support safe public access and use, or public or environmental benefit

Structures in appropriate locations will be allowed for, subject to the appropriate management of adverse effects, where the structure is to provide for:

- (a) public access and use of the coastal marine area, including for traditional uses and cultural or recreational activities (excluding whitebait stands);*
- (b) public health and safety, including navigational aids;*
- (c) scientific or educational study or research; and the efficient operation of nationally and regionally important infrastructure.*

Policy 36: *Maintenance, repair, replacement and minor upgrading of existing structures*

Maintenance, repair, replacement and minor upgrading of existing lawful structures and reclamations will be allowed in order to:

- (a) enable compliance with applicable standards and codes;*
- (b) ensure structural integrity;*
- (c) maintain or improve efficiency; or*
- (d) address health and safety or navigational safety issues;*

subject to the appropriate management of adverse effects.

In conjunction with Policy 32, which addresses the placement of structures in the CMA, the proposed policies recognise the functional need for some structures to be located in the CMA and provide appropriately for Powerco's assets.

Policy 37

The intent of this policy is supported although it is considered that it should also apply to alterations or extensions which are minor. This could be achieved by amending the policy as follows:

~~Major~~ Alteration or extension of existing lawful structures, including major alterations or extensions, will be allowed in locations where the activity will not have significant adverse effects on other uses and values and will:

- (a) result in greater, more efficient, or multiple use of the structure for marine activities; or*
- (b) reduce the need for a new structure elsewhere.*

Policies 38 and 39

Policy 38: Removal of coastal structures

Decommissioning and removal of any new structure will be planned for as part of the initial design and installation. Structures will be removed from the coastal marine area at the expiry of their authorisations or at the end of their useful lives, unless one or more of the following applies:

- (a) removal of the structure would cause greater adverse effects on the environment than leaving it in place;*
- (b) the structure is an integral part of an historic heritage site or landscape; or*
- (c) the structure, or part of the structure, has reuse value that is considered appropriate in accordance with Policy 5.*

Policy 39: Occupation

Structures and activities occupying space within the common marine and coastal area should be established and operated in a manner that does not unreasonably restrict or prevent other users of the coastal marine area.

Occupation should be avoided in areas where it will have significant adverse effects on public use.

These policies provide appropriately for removal and occupation associated with Powerco's structures and should be retained as notified.

Policy 41 – Provision for disturbance, deposition or extraction activities that provide public or environmental benefit

Disturbance, deposition or extraction that is necessary to protect or maintain the safe and efficient operation of nationally and regionally important infrastructure or provide for public or environmental benefit will be allowed for, subject to appropriate management of adverse effects, including:

- (a) maintaining existing navigation channels and access to structures, including maintaining safe navigational depth within Port Taranaki;*
- (b) clearing, cutting or realigning stream or river mouths for flood or erosion control purposes;*
- (c) restoring, enhancing or protecting natural or historic heritage values;*
- (d) deposition of material, including dredging spoil, for beach replenishment;*

- (e) clearing the outlet of any lawful stormwater outfall or pipe;
- (f) removal or control of harmful aquatic organisms, pest plants or other exotic plants;
- (g) operating, maintaining, repairing or upgrading lawful structures or infrastructure;
- (h) removing hazards to navigation or public health and safety, or installing navigational aids;
- (i) recreational activities, scientific or educational study, or research; and
- (j) small scale extraction that results in a less than minor level of disturbance.

Powerco supports Policy 41 and in particular the provision for intrusive works to operate, maintain, repair or upgrade its assets.

C. Relief sought (accepting that alternative wording may achieve the same intent):

15. Ensure the objectives and policies give effect to the NZCPS and RPS and in particular provide appropriately for the operation, maintenance and upgrade of regionally important infrastructure.

16. Retain Objectives 1 and 2 as notified.

17. Amend Objective 3 as follows:

The use and ongoing operation, maintenance, and upgrading of nationally and regionally important infrastructure and other existing lawfully established activities is protected from new or inappropriate use and development in the coastal environment.

18. Retain Objectives 6 and 7 as notified.

19. Ensure Objective 8 and corresponding policies and rules provide appropriately for the operation, maintenance and upgrade of existing regionally important infrastructure.

20. Retain Policy 1 subject to an amendment to recognise the existence of existing infrastructure in areas of Outstanding Value, Estuaries Unmodified and Estuaries modified, unless the mapping is amended such that this is not the case. This could be achieved by adding the following characteristic to Policy 1(a), 1(b) and 1(c):

These areas may contain regionally important infrastructure.

21. Retain Policy 2 subject to amendments to clause (f) to provide certainty to plan users, including by referencing the term functional need proposed at Schedule 1 of Powerco's submission:

(f) managing natural and physical ~~coastal~~ resources in a manner that has regard to the social, economic and cultural objectives and well-being of the community and the functional need and/or location constraints of nationally or regionally important infrastructure; and...

22. Delete Policy 4 in favour of comprehensive mapping of the coastal environment

Policy 4: Extent and characteristics of the coastal environment

Determine the inland extent of the coastal environment for the purposes of policies under Section 5.1 of the Plan on a case by case basis by having regard to:

- (a) ~~areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas; and~~*
- (b) ~~the geographic extent to which activities within the coastal marine area may cause adverse effects on significant values and characteristics landward of the coastal marine area.~~*

23. Retain Policy 5 subject to amendments to clauses (a) and (c) as follows:

Determine whether use and development of the coastal environment is in an appropriate place and form and within appropriate limits by having regard to:

- (a) the functional need for the activity to be located in the coastal marine area. ~~Conversely, a~~ Activities that do not have a functional need to be located in the coastal marine area generally should not be located there (unless the non-marine related activity complements the intended use and function of the area);*
- (b) the benefits to be derived from the activity at a local, regional and national level, including the potential contribution of aquaculture and marine based renewable energy resources;*
- (c) the appropriateness of the proposed design, and methodology, and whether it is the best practicable option, location or route of the activity in the context of the receiving environment and any possible alternatives;...*

24. Retain Policy 6 subject to a minor amendment to better reflect the outcome of the policy and give effect to the RPS:

Recognise and provide for the safe and efficient operation of new and existing infrastructure of regional importance or of significance to the social, economic and cultural well-being of people and communities in Taranaki, subject to appropriate management of adverse environmental effects.

25. Amend Policy 7 as follows to give effect to Objective 3 and the RPS:

Impacts on established operations and activities

~~Avoid, remedy or mitigate the adverse effects of activities, including reverse sensitivity impacts, on existing lawfully established activities~~ Restricting the establishment or intensification of activities that may result in reverse sensitivity effects by:

- (a) Avoiding significant adverse effects on infrastructure of national or regional importance;*
- (b) Avoiding, remedying or mitigating other adverse effects on infrastructure of national or regional importance;*
- (c) Avoiding, remedying or mitigating adverse effects on other activities.*

26. Amend Policy 8 to ensure it enables the operation, maintenance and upgrade of existing infrastructure. This could be achieved by adding clause (c) as follows:

- (c) recognising the need to provide for the ongoing operation, maintenance, and upgrade of existing infrastructure.*

27. Amend Policy 9 to ensure it enables the safe and efficient operation of regionally important infrastructure. This could be achieved by adding an additional clause as follows:

- (ix) is necessary to provide for the safe and efficient operation, maintenance, upgrade and development of regionally important infrastructure.*

28. Retain Policies 10, 15, 17, 18 and 19 as notified.

29. Retain Policies 31, 32, and 36 as notified.

30. Retain Policy 37 subject to the following amendment:

~~Major~~ Alteration or extension of existing lawful structures, including major alterations or extensions, will be allowed in locations where the activity will not have significant adverse effects on other uses and values and will:....

31. Retain Policy 41 as notified.

SCHEDULE FIVE REGIONAL RULES

A. The specific parts of the PCP subject of this submission are:

- Rule 35, which is supported in part
- Rule 37, which is supported in part
- Rule 42, which is supported
- Rule 43, which is supported
- Rule 22, which is supported
- Rule 33, which is supported
- Rule 34, which is supported
- Rule 48, which is supported
- Rule 49, which is supported
- Rule 50, which is supported

B. The reason for the submission

Rules 35, 37, 42 and 43 – existing structures

Rule 35 provides for the maintenance, repair/reconstruction or minor alteration of existing lawfully established structures in all areas, excluding the port, as a permitted activity, subject to standards.

Rule 37 provides for the repair, alteration or extension of network utility structures, excluding in areas of outstanding value, as a controlled activity, subject to standards. The rule is not applicable where an activity comes within or complies with Rule 35.

Rule 38 provides a permitted activity pathway for the removal and replacement of structures in all areas, subject to standards.

Rules 42 and 43 provide discretionary and non-complying pathways where compliance cannot be achieved with relevant standards of the above rules.

Rule 35 is supported subject to the deletion of the word minor and amendments to standard (a) as follows to provide for electricity distribution lines, not just transmission lines, regardless of design voltage. Powerco does not consider there are valid resource management grounds for a blanket restriction on increase in design voltage. If Council maintains that a maximum voltage is appropriate, Powerco considers that the PCP should provide for increases in design voltage up to a maximum of 33kV.

(a) size of the structure, including length, width and height, does not increase beyond original size (except for existing communications cables or electricity transmission or distribution lines where ~~these activities do not result in an increase in the design voltage and~~ the new or altered cables or lines are not lower in height above the foreshore or seabed);

The deletion of minor from the rule itself is also sought as the standards clearly set out what is considered to be minor for the purpose of the rule.

Rule 37 is also supported in part. Powerco considers it is important to make the consenting pathway for network utilities clear, particularly whether Rule 35 can also apply to network utilities. The use of the phrase 'and does not come within or comply with Rule 35' at the end of Rule 37 provides no certainty in that regard. Given that plans are typically more enabling with regard to network utilities, Powerco anticipates that the intention is that Rule 35 is intended to apply in addition to Rule 37, such that there is a permitted activity pathway for maintenance, repair or alteration, not just a controlled activity pathway as per Rule 37.

Powerco also considers it would be appropriate for Rule 37 to apply to maintenance activities (where compliance with standards at condition 35 cannot be achieved), not just repair, alteration or extensions.

In addition, it is necessary to refer to lines that are attached to poles, not just access structures, as per Rule 22.

The following changes are sought to Rule 37:

Lawfully established network utility structure maintenance, repair, alteration or extension where the structure is:

- (a) a pipeline that is buried or attached to a bridge or access structure;*
- (b) an outfall structure;*
- (c) an intake structure;*
- (d) a communication or electricity cable that is buried or attached to a bridge or access structure or pole; or*
- (e) marine communications equipment*

excluding:

(f) any structure seaward of the Main Breakwater or Lee Breakwater in coastal management area – Port

and any associated:

- (a) occupation of space in the common marine and coastal area;*
- (b) disturbance of the foreshore or seabed;*
- (c) deposition in, on or under the foreshore or seabed; and*
- (d) discharge of sediment*

and does not ~~come within or~~ comply with Rule 35

excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).

Subject to the amendments sought to Rules 35 and 37, Powerco is able to accept the default to a discretionary activity or non-complying status for maintenance, repair, and alteration within coastal management areas. Notwithstanding, Powerco seeks that the mapping of the sensitive areas should be reconsidered in recognition of existing infrastructure.

Rules 22, 33 and 34

Rule 22 provides for the erection or placement of certain network utility structures in the CMA as a controlled activity, excluding areas identified for Outstanding Values and subject to compliance with standards. Of relevance to Powerco, it provides for pipelines that are buried or attached to a bridge or access structure and for electricity cables that are buried or attached to a bridge, access structure or pole. The rule also provides for any associated occupation of space, disturbance, deposition and discharge.

Network utility structure erection or placement where the structure is:

- (a) a pipeline that is buried or attached to a bridge or access structure;*
- (b) an outfall structure which does not come within or comply with Rule 18;*
- (c) an intake structure;*
- (d) a communication or electricity cable that is buried or attached to a bridge, access structure or pole; or*
- (e) marine communications equipment...*

Where compliance cannot be achieved with Rule 22, discretionary activity consent is required pursuant to Rule 33 where the structure is located in the Estuaries Modified, Open Coast, or Port areas and as a non-complying activity in an area classified as Estuaries Unmodified. Where the structure is located in an area of Outstanding Value there is no permitted activity pathway and the erection or placement of a network utility structure is a non-complying pursuant to Rule 34.

Powerco does not currently anticipate new structures in the CMA. However, should new or expanded urban areas be created in the coastal environment Powerco may need to cross the CMA to supply electricity or gas. Subject to appropriate rules for the operation, maintenance and upgrade of its existing assets, Powerco generally supports these rules and a pathway for new assets, if required in the CMA. However, Powerco considers that the limited potential for effects of pipelines and cables attached to existing bridges are such that they should be provided for as a permitted activity, subject to standards.

Rules 48, 49 and 50

Rule 48 provides for the continued occupation of the common marine and coastal area with an existing lawfully established structure, where the occupation was permitted at the time of placement. The rule applies across all coastal management areas and is conditional on the structure being used for its original purpose. Powerco supports this rule. Similarly Powerco supports Rule 49 which provides a controlled activity pathway for renewal of resource consents to occupy and Rule 50 which provides a discretionary activity pathway where compliance cannot be achieved with Rules 48-50.

- C. Relief sought (accepting that alternative wording may achieve the same intent):**
- 32. Retain Rule 35 subject to an amendment to delete of the term minor from the rule, include provision for distribution lines as well as transmission lines, and remove the arbitrary restriction in design voltage. This could be achieved by amending clause (a) as follows:**

(a) size of the structure, including length, width and height, does not increase beyond original size (except for existing communications cables or electricity transmission or distribution lines where ~~these activities do not result in an increase in the design voltage and the new or altered cables or lines are not lower in height above the foreshore or seabed~~);

or

(a) size of the structure, including length, width and height, does not increase beyond original size (except for existing communications cables or electricity transmission or distribution lines where these activities do not result in an increase in the design voltage above 33kV and the new or altered cables or lines are not lower in height above the foreshore or seabed);

33. Retain Rule 37 subject to the following amendments:

Lawfully established network utility structure maintenance, repair, alteration or extension where the structure is:

- (a) a pipeline that is buried or attached to a bridge or access structure;
- (b) an outfall structure;
- (c) an intake structure;
- (d) a communication or electricity cable that is buried or attached to a bridge or access structure or pole; or
- (e) marine communications equipment

excluding:

- (f) any structure seaward of the Main Breakwater or Lee Breakwater in coastal management area – Port

and any associated:

- (e) occupation of space in the common marine and coastal area;
- (f) disturbance of the foreshore or seabed;
- (g) deposition in, on or under the foreshore or seabed; and
- (h) discharge of sediment

and does not ~~come within or~~ comply with Rule 35

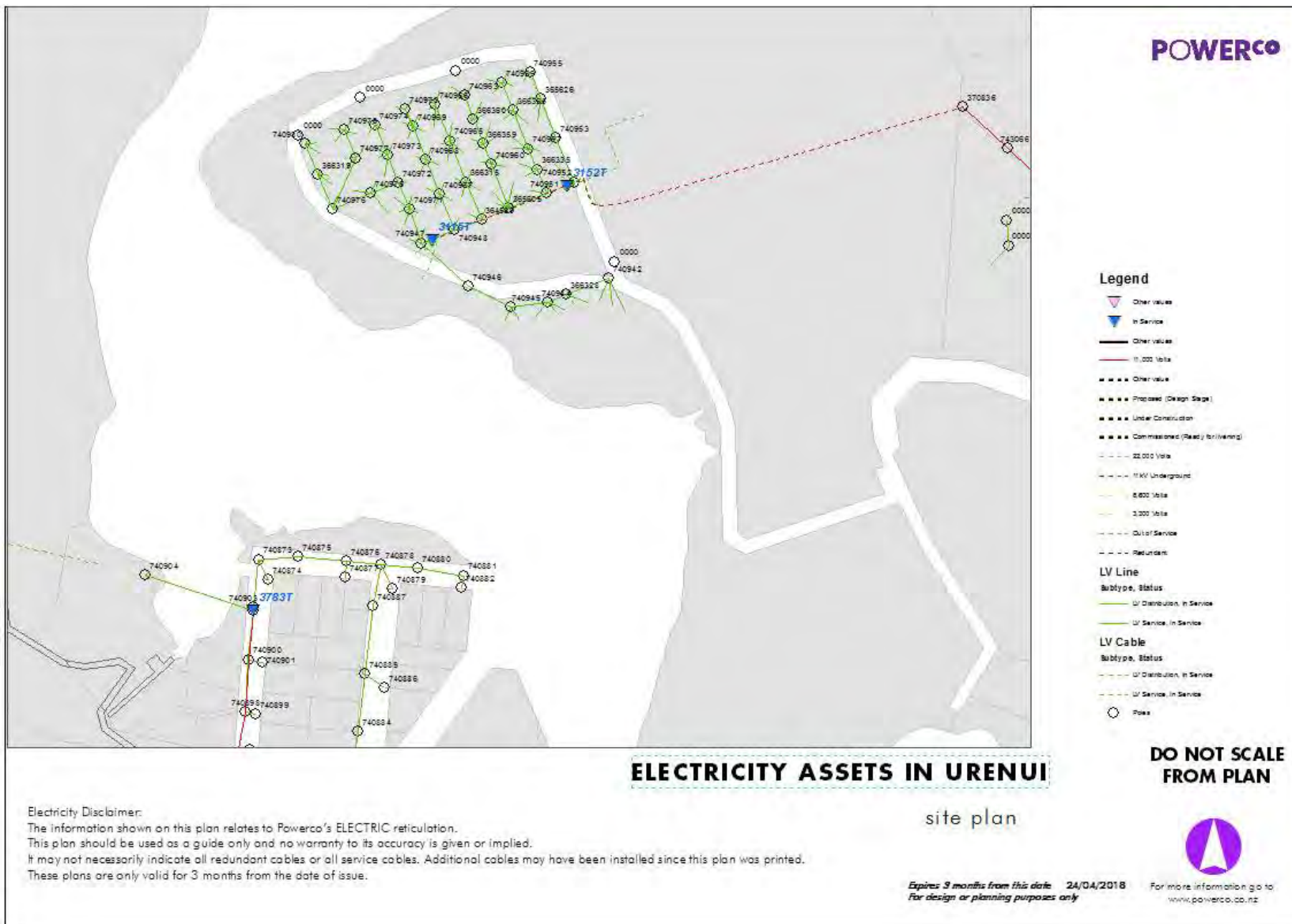
excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).

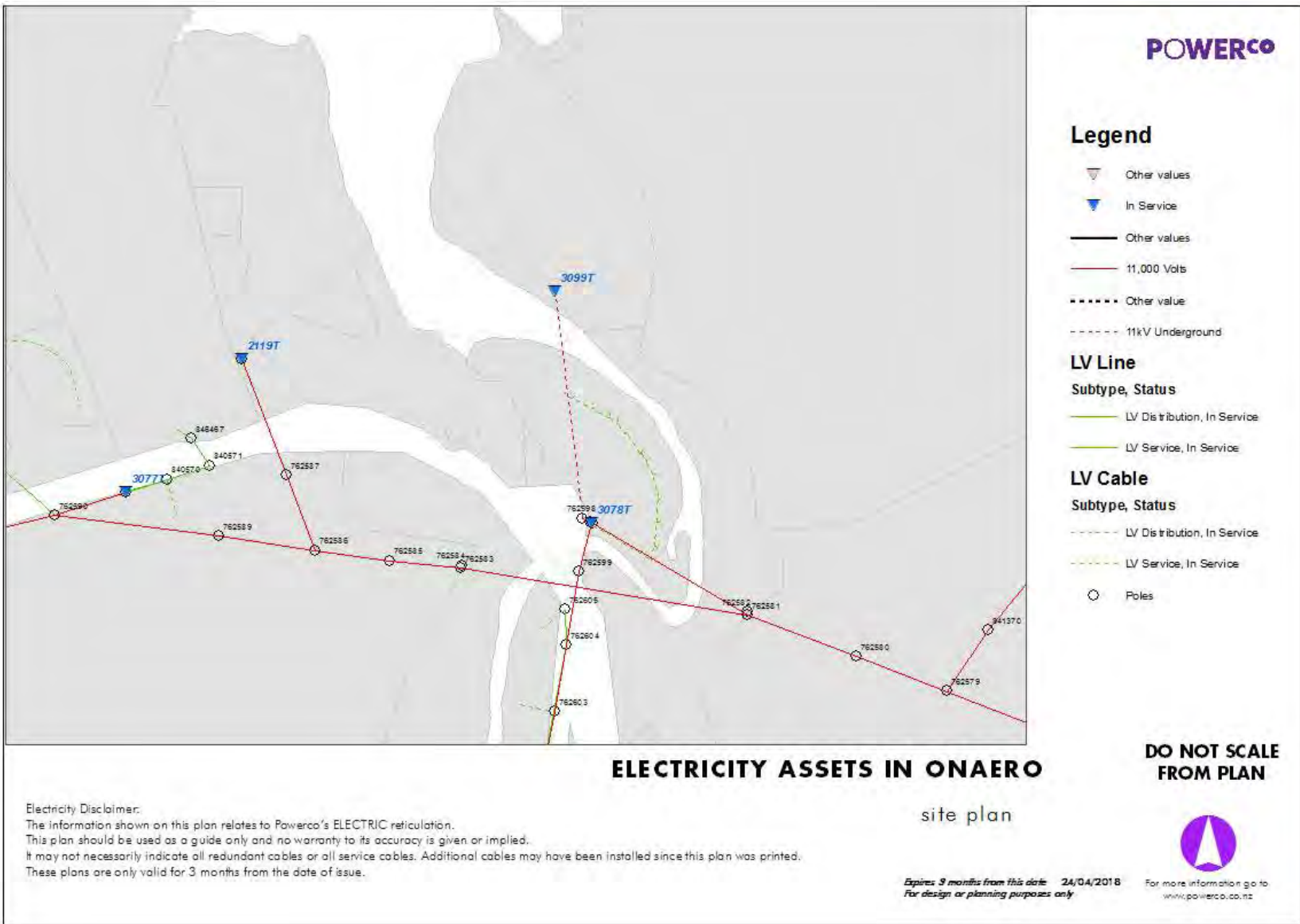
34. Retain Rule 22 as notified.

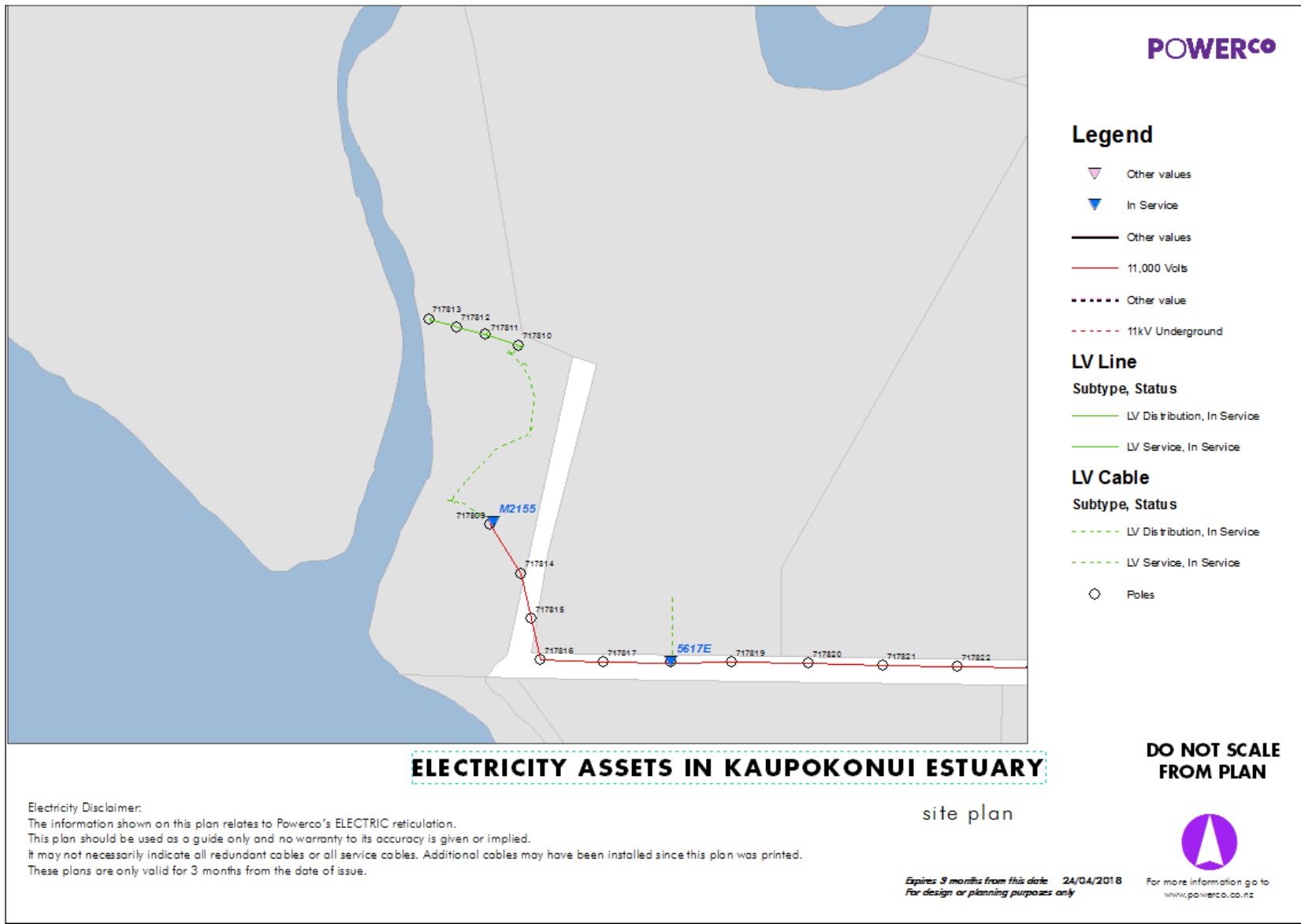
35. Provide a permitted activity pathway for new network utility structures attached to existing road bridges.

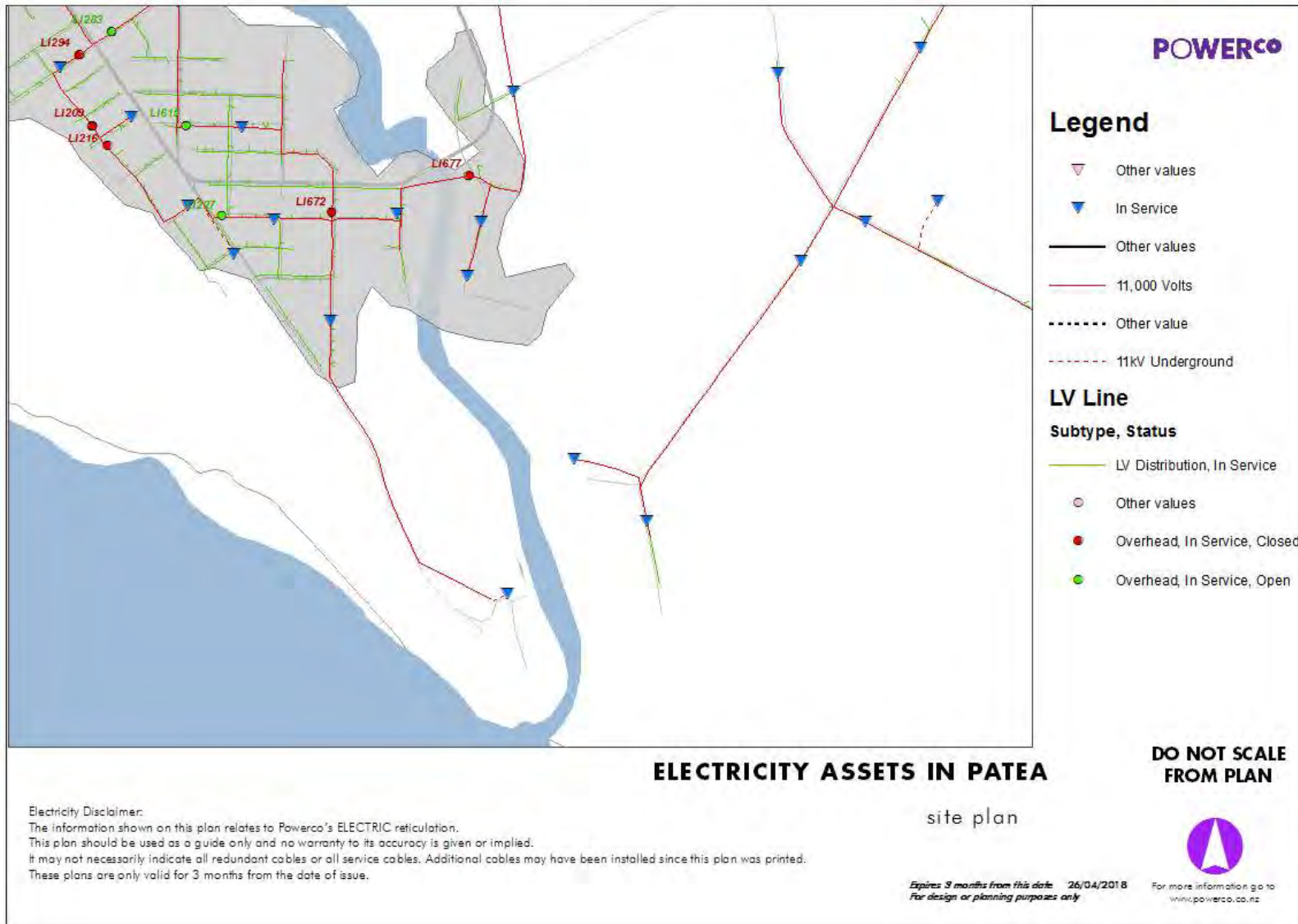
36. Retain Rules 33, 34, 42, 43, 48, 49 as notified.

Annexure 1 – Powerco Assets within sensitive coastal management areas









**SUBMISSION ON THE PROPOSED COASTAL PLAN FOR TARANAKI PURSUANT TO CLAUSE 6
OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991**

TO: Taranaki Regional Council
47 Cloten Road
Private Bag 713
Stratford 4352
NEW ZEALAND

coastal@trc.govt.nz

SUBMITTER:	Z Energy Limited ¹ PO Box 2091 WELLINGTON 6140	BP Oil NZ Limited PO Box 99 873 AUCKLAND 1149
	Mobil Oil NZ Limited PO Box 1709 AUCKLAND 1140	

Hereafter, collectively referred to as the Oil Companies

ADDRESS FOR SERVICE: BURTON PLANNING CONSULTANTS LIMITED
Level 1, 2-8 Northcroft Street
PO Box 33-817, Takapuna
AUCKLAND 0740

Attention: Mark Laurensen

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File: 18/012

¹ On behalf of the wider Z Group including the Z and Caltex operations in New Zealand

A. INTRODUCTION

1. Z Energy Limited (*Z Energy*), BP Oil New Zealand Limited (*BP*) and Mobil Oil New Zealand Limited (*Mobil*) receive, store and distribute refined petroleum products.
2. The core business of the Oil Companies is the operation and management of their individual service station networks, commercial refuelling facilities and bulk storage (terminal) facilities. The Oil Companies also supply petroleum products to individually owned businesses.
3. There are two existing bulk storage terminals in New Plymouth. The BP Oil NZ (*BP*) Terminal at Omata is operated by New Zealand Oil Services Limited (*NZOSL*).² The Z Energy terminal is located at 8-22 Ngamotu Road.
4. Fuel is primarily transported to the Port by wharflines on the Newton King Wharf. Pipelines in turn transport fuel to the terminals. These pipelines are predominantly underground. Bunkering is available via pipeline at a number of berths at the Port.
5. Under the Resource Management Act (*RMA*) bulk storage facilities and pipelines are a significant physical resource that should be sustainably managed and any adverse effects on that infrastructure must be avoided, remedied or mitigated.
6. The terminals are recognised in the Taranaki Regional Policy Statement (*RPS*) as regionally significant infrastructure. It is appropriate that their management is comprehensively addressed in the Proposed Coastal Plan for Taranaki (*PCP*).
7. The Oil Companies' assets are primarily, but not exclusively, located outside the Coastal Marine Area (*CMA*). In particular the Oil Companies have pipelines located partly within the CMA. The Oil Companies also have discharge permits to watercourses and networks which in turn discharge to the CMA.
8. The Oil Companies also have assets and undertake activities in the wider coastal environment. The nature and extent of the coastal environment has not been mapped in the PCP and therefore the extent of assets subject to the relevant objectives and policies is uncertain.
9. The Oil Companies seek to ensure that the PCP provides appropriately for terminal activities, including operation, maintenance, upgrading and development without any unnecessary constraints. Of particular relevance to this matter the Oil Companies require:
 - Provision for the ongoing maintenance, repair, and upgrading of existing oil company assets, including in sensitive coastal management areas;

² NZOSL is a joint venture between BP and Z Energy and performs functions similar to external service providers of a logistics nature, plus a range of operational and additional engineering services.

- Provision for establishment of new network infrastructure when and where required, having regard to (inter alia) the extent to which any adverse effects have been avoided, remedied or mitigated; and
- Protection of oil company terminal facilities and associated pipelines from sensitive activities and development within close proximity.

B. THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN THAT THE OIL COMPANIES' SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:

10. This submission relates primarily to Sections 4 (Objectives), 5 (Policies) and 8 (Regional Rules) as well as the proposed definitions of the PCP.
11. The rationale for the Oil Companies' submission on each of these matters, the specific provision submitted on and the relief sought is set out in the attached schedules. Deletions to proposed provisions are in strikethrough and additions in underline.
12. In addition to the specific outcomes sought in the attached Schedules, the following general relief is sought:
 - (a) Achieve the purpose and principles of the Resource Management Act 1991 (RMA) and consistency with the relevant provisions in Sections 6 - 8 RMA;
 - (b) Give effect to the New Zealand Coastal Policy Statement (NZCPS) and the RPS;
 - (c) Assist the Council to carry out its functions of achieving the integrated management of the effect of the use, development or protection of land;
 - (d) Meet the requirements of the statutory tests in section 32 of the RMA;
 - (e) Avoid, remedy or mitigate any relevant and identified environmental effects;
 - (f) Make any consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the PCP that are not specifically subject of this submission but are required to ensure a consistent approach is taken throughout the document; and
 - (g) Any other relief required to give effect to the issues raised in this submission.

C. THE OIL COMPANIES WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION

D. IF OTHERS MAKE A SIMILAR SUBMISSION, THE OIL COMPANIES WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.

E. THE OIL COMPANIES COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

F. THE OIL COMPANIES ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT-

- i. **ADVERSELY AFFECTS THE ENVIRONMENT; AND**
- ii. **DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.**

Signed on behalf of the Oil Companies



Mark Laurensen
Senior Planner

Dated this day of 27 April 2018

SCHEDULE ONE DEFINITIONS

A. The specific definitions of the PCP subject of this submission are:

- RMA definitions, which are supported
- Coastal environment, which is opposed
- Functional need, which is proposed
- Hazardous substance, which is supported
- Maintenance, which is supported in part
- Repair, which is opposed
- Network utility, which is supported
- Regionally important infrastructure, which is supported
- Reverse sensitivity, which is supported in part
- Stormwater, which is supported

B. The reason for the submission:

RMA definitions

A number of RMA definitions are listed. Notwithstanding that these definitions would apply if the terms were not defined, the RMA definitions are supported.

Coastal Environment

Coastal environment means the areas where coastal processes, influences or qualities are significant, including lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these and includes the coastal marine area.

It is neither efficient nor effective to require the coastal environment to be defined on a case by case basis as required by the proposed definition and Policy 4 (Extent and characteristics of the coastal environment). Such an approach will lead to significant costs and uncertainties, including disputes as to whether the PCP is even relevant to particular activities.

The proposed definition does not give effect to Policy 1 of the NZCPS which addresses the extent and characteristics of the coastal environment. In particular the proposed definition is inappropriately focused on matters addressed at (2)(a) and (2)(c) of Policy 1 to the NZCPS. In doing so the proposed definition fails to recognise the range of other areas and features which are relevant to the extent and characteristics of the coastal environment, for instance areas at risk from coastal hazards and physical resources and built facilities that have modified the coastal environment, including infrastructure.

The definition should be deleted and replaced with a definition which relies on appropriate mapping of the coastal environment. The following is proposed:

Coastal environment means all of the coastal marine areas, land inland to the point defined on the maps at Schedule X, the natural and physical resources within it, and the atmosphere above it.

Decisions on the PCP should not be issued until the coastal environment has been mapped and consulted upon. That will enable any debate as to the extent of the coastal environment to be had in the appropriate forum: the Plan review process.

Functional need

Functional need is used in the PCP but not defined. A new definition of functional need is proposed to help recognise that there are a range of activities that need to be located in the coastal environment, including the CMA. For the Oil Companies, the Port is the key point of entry for fuels to the region and the corresponding pipelines are essential to enable the effective and sustainable storage and distribution of them.

The following definition is proposed:

Functional need means a requirement for a proposal or activity to traverse, locate or operate in the coastal environment.

Hazardous substance

The proposed definition is essentially as per the Hazardous Substances and New Organisms Act (HSNO). It is supported and should be retained.

Maintenance and Repair

Maintenance in relation to structures, includes activities which restore a structure or asset to its original authorised standard and purpose, and where the character, intensity and scale of the structure, asset or site remains the same or similar. It excludes the extension or repair of structures or assets, or change in location.

Repair means reconstruction.

The proposed definition of repair is contrary to its ordinary meaning and will create confusion for plan users and is inappropriate. Repairs are a type of maintenance activity and the standalone definition should be deleted. Consequential amendments are necessary to the definition of maintenance.

In requiring maintenance activities to restore an asset to its original authorised standard, the inference is that maintenance which is required to bring a standard up to a new standard is not provided for. This is opposed but could be readily addressed. Amendments are proposed below to help recognise that minor changes in alignment and positioning of network utility assets is appropriate.

Maintenance in relation to structures, includes replacement, repair, or renewal, activities for the purpose of keeping a structure in good condition and/or working efficiently ~~which restore a structure or asset to its original authorised standard and purpose,~~ and where the character, intensity and scale of the structure, or asset or site remains the same or similar. It excludes the extension ~~or repair~~ of structures or assets, or change in location.

Network Utility

Network utility means any activity that a network utility operator would be authorised to carry out under section 166 of the Resource Management Act 1991.

The reliance on activities provided for under s166 RMA encompasses the Oil Companies petroleum distribution activities and is supported.

Pipeline

Pipeline means a pipeline constructed or used to convey any matter or substance, and includes all machinery, tanks, and fittings connected to the pipeline.

The definition is supported as it recognises that pipelines are not limited to a pipe structure but require a broad range of ancillary equipment in order to function.

Regionally important infrastructure

Regionally important infrastructure means infrastructure of regional and/or national importance and is:

- (a) Port Taranaki and its approaches³ and on-going development to meet changing operational needs;*
- (b) facilities and arterial pipelines for the supply or distribution of minerals including oil and gas and their derivatives;*
- (c) the national electricity grid, as defined by the Electricity Industry Act 2010;*

³ A map of Port Taranaki and its approaches is contained in Appendix 4 of the Plan.

- (d) facilities for the generation and/or transmission of electricity where it is supplied to the national electricity grid and/or the local electricity distribution network, including supply within the local electricity distribution network;*
- (e) defence facilities;*
- (f) flood protection works;*
- (g) infrastructure associated with the safe and efficient operation of state highways and the rail network;*
- (h) strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001;*
- (i) strategic radio communications facilities as defined in section 2(1) of the Radio Communications Act 1989;*
- (j) New Plymouth airport, including flight paths;*
- (k) arterial pipelines and pumping stations for the distribution of potable water and water treatment plants; and*
- (l) arterial pipelines and pumping stations for the collection of wastewater and stormwater, and wastewater treatment plants*

The RPS addresses regionally significant infrastructure and recognises that some network utilities and other infrastructure are of national as well as regional importance. The phrase regionally significant infrastructure is not defined in the RPS.

As included above, the PCP defines regionally important infrastructure. It is not clear from the section 32 report that the use of this similar but distinct term has been adopted intentionally. Consistent terminology across the PCP and in other documents in the hierarchy would be preferable. The Oil Companies' submission seeks to provide scope for such a change.

As drafted, the Oil Companies' facilities and pipelines for the distribution of petroleum are provided for at (b). This is appropriate given the regional importance or significance of these activities and the definition should be retained as notified.

Reverse sensitivity

Reverse sensitivity refers to the effects of sensitive activities on other lawfully established activities in their vicinity.

A range of activities may be susceptible to reverse sensitivity effects. As drafted, it could be interpreted that only sensitive activities, for instance residential activities, care facilities, and the like could be affected in this way. This does not recognise that other

activities may also be affected. Amending the definition as set out below would retain the intent of the definition but provide clarity and minimise potential for misinterpretation:

Reverse sensitivity refers to the potential for the operation of an existing effects of sensitive activities on other lawfully established activityies to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the proposed activity. in their vicinity.

Stormwater

Stormwater means runoff that has been channelled, diverted, intensified or accelerated by human modification of the land surface or runoff from the external surface of any structure as a result of precipitation (rainfall) and includes entrained contaminants and sediment (including that generated during construction or earthworks).

The proposed definition provides clarity and is supported.

- C. Relief sought (accepting that alternative wording may achieve the same intent):**
- 1. Retain the RMA definitions, for instance best practicable option, coastal marine area, common marine and coastal areas, discharge, environment, structure, and industrial or trade premises.**
 - 2. Amend the definition of coastal environment to give effect to the NZCPS by making the following amendments, and by preparing and consulting on appropriate maps that identify the extent of the coastal environment, not just the CMA, prior to decisions on the PCP:**

~~Coastal environment means the areas where coastal processes, influences or qualities are significant, including lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these and includes the coastal marine area.~~

Coastal environment means all of the coastal marine areas, land inland to the point defined on the maps at Schedule X, the natural and physical resources within it, and the atmosphere above it.

- 3. Provide a definition of functional need as follows:**

Functional need means a requirement for a proposal or activity to traverse, locate or operate in the coastal environment.

- 4. Retain the definition of hazardous substance.**

5. Amend the definition of maintenance as follows:

Maintenance in relation to structures, includes replacement, repair, or renewal, activities for the purpose of keeping a structure in good condition and/or working efficiently ~~which restore a structure or asset to its original authorised standard and purpose, and where the character, intensity and scale of the structure, or asset or site remains the same or similar. It excludes the extension or repair of structures or assets, or change in location.~~

6. Delete the definition of repair and rely on its ordinary meaning.

7. Retain the definitions of network utility and pipeline as notified.

8. Retain the definition of regionally important infrastructure.

9. Ensure consistent use of the terms regionally important infrastructure and regionally significant infrastructure throughout the PCP.

10. Substitute the term regionally important infrastructure for regionally significant infrastructure throughout the PCP to ensure consistency with the RPS.

11. Amend the definition of reverse sensitivity as follows:

Reverse sensitivity refers to the potential for the operation of an existing effects of sensitive activities on other lawfully established activityies to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the proposed activity. ~~in their vicinity.~~

12. Retain the definition of stormwater.

SCHEDULE TWO SCHEDULE 1 COASTAL MANAGEMENT AREAS AND SCHEDULE 2 COASTAL AREAS OF OUTSTANDING VALUE

A. The specific parts of the PCP subject of this submission are:

- Schedule 1 and Schedule 2, which are supported in part and opposed in part

B. The reason for the submission:

The Oil Companies seek to ensure that the spatial extent of the coastal management areas are mapped appropriately, particularly the south-eastern boundary of the Nga Motu (Sugar Loaf Islands) and Tapuae Area of Outstanding Value.

The Oil Companies do not consider that the landward extent of this sensitive area has been appropriately mapped. In particular the Oil Companies consider that the values of the area assessed at Schedule 2 fail to recognise the existence of regionally important infrastructure both within and in close proximity to the area, for instance the pipeline connecting the Omata terminal with the Port as well as the Omata terminal itself.

While the Oil Companies' assets are landward of the CMA and will therefore not be subject to the rules of the PCP, they may be considered within the coastal environment and therefore the objectives and policies of the PCP will likely apply to them. Noting the avoidance direction in the NZCPS in relation to adverse effects of activities on outstanding natural character, features and landscapes, the Oil Companies seek to ensure such areas are appropriately identified and recognise the presence of existing infrastructure and that the Oil Companies are able to operate, maintain and upgrade existing assets within such areas.

If the revised mapping demonstrates that the sensitive areas do in fact encompass areas of significant development, including existing infrastructure, the Oil Companies seek that the existence of these features is clearly recognised in the corresponding descriptions of the characteristics that make up these areas, for instance at section 1.7, Policy 1, and Schedule 2.

The Oil Companies support the extent of the coastal management area at the Port.

C. Relief Sought:

- 14. Modify the maps at Schedules 1 and 2 to ensure that the extent of sensitive coastal management areas are appropriate having particular regard to existing infrastructure,**

particularly the landward edge of the Nga Motu and Tapuae Area of Outstanding Value.

15. Amend the corresponding descriptions of the coastal management areas throughout the PCP to recognise existing infrastructure in these sensitive areas to ensure it can be operated, maintained, and upgraded as appropriate.
16. Retain the extent of the coastal management area mapped at the Port.

SCHEDULE THREE
SECTION 1 INTRODUCTION AND SECTION 2 STATUTORY AND PLANNING FRAMEWORK,

A. The specific parts of the PCP subject of this submission are:

- Geographic extent (section 1.4.1 of the PCP), which is supported
- Coastal environment (section 1.4.2 of the PCP), which is supported
- Coastal management areas (section 1.7 of the PCP), which is supported in part
- NZCPS (section 2.2 of the PCP), which is supported in part
- Marine and Coastal Area (Takutai Moana) Act 2011 (section 2.3 of the PCP), which is supported

B. The reason for the submission

Section 1.4.1 Geographic extent and Section 1.4.2 Coastal environment

The clarification at section 1.4.1 that the objectives, general policies and methods (excluding rules) address not only the coastal marine area but the wider coastal environment is supported. As set out at 1.4.2, the Oil Companies recognise the integrated nature of the wider coastal environment and that the plan includes provisions that apply across the coastal environment. The Oil Companies support the recognition that the rules of the Plan however only apply in the CMA. However, as set out with regard to the definition of coastal environment, the Oil Companies consider that the coastal environment needs to be mapped.

Section 1.7 Coastal management areas

The Oil Companies support the principle of the five coastal management areas comprising Outstanding Value, Estuaries Modified and Unmodified, Port and Open Coast. It is appropriate that particular areas are identified for their respective characteristics and that different provisions apply accordingly.

Within the text relating to the Port and Open Coast areas specific reference is made to the presence of regionally important infrastructure. This is supported. As addressed at Schedule Two of this submission, there is regionally important infrastructure located both within and in close proximity to the Nga Motu and Tapuae Area of Outstanding Value. The Oil Companies are aware that other sensitive areas are similarly affected by existing infrastructure. It is necessary to at least recognise the presence of existing infrastructure in the broad descriptions of these coastal management areas. Without such reference it may be interpreted that these areas do not and should not contain

infrastructure and this is not appropriate. This could be achieved by adding the following to each of the three sensitive areas listed:

These areas may contain regionally important infrastructure.

Section 2.2 NZCPS

Section 2.2 is supported however specific reference to infrastructure is appropriate in light of the direction provided by the NZCPS and RPS in this regard.

The provision of infrastructure together with consideration of other values of the coastal environment is a key consideration in terms of providing for use and development. The secure supply of fuel to the region is important to the social, economic and cultural well-being of people and communities.

This could be addressed by adding an additional bullet point as follows:

Recognising and providing for infrastructure

Section 2.3 Marine and Coastal Area (Takutai Moana) Act 2011

The Marine and Coastal Area (Takutai Moana) Act is not yet well understood by many and the Oil Companies support it being addressed upfront in the PCP.

C. Relief sought (accepting that alternative wording may achieve the same intent):

- 17. Retain sections 1.4.1 and 1.4.2 as notified.**
- 18. Retain section 1.7, including the five coastal management areas, subject to an amendment to ensure that the presence of existing infrastructure in all of these areas is appropriately recognised. This could be achieved by adding a sentence to paragraphs 1.7.1 to 1.7.3 as follows:**

These areas may contain regionally important infrastructure.

- 19. Retain section 2.2 subject to an amendment to specifically recognise and provide for infrastructure.**

Recognising and providing for infrastructure

- 20. Retain section 2.3 as notified.**

SCHEDULE FOUR SECTION 3 COASTAL MANAGEMENT

A. The specific parts of the PCP subject of this submission are:

- Coastal water quality (section 3.1 of the PCP), which is supported
- Coastal hazards (section 3.1 of the PCP), which is supported in part
- Managing the Taranaki coastal environment (section 3.2 of the PCP), which is supported in part

B. The reason for the submission

Section 3.1 Coastal Water Quality

Bulk fuel to the region is primarily imported to the region via Port Taranaki and in turn piped to the bulk fuel storage terminals. The Oil companies support the recognition of the role of the Port and the wide range of regionally and nationally significant activities supported by it. The Oil Companies also support the principle that coastal management needs to recognise and provide for appropriate use and development, including management of discharges to the CMA.

Section 3.1 Coastal Hazards

The Oil Companies acknowledge that the coastal environment is subject to hazards but consider it is important that the text in this section consistently recognises that there is often little that can be done to minimise the frequency of these events, for instance tsunami and earthquakes. Further, it is important that it is recognised that natural hazard risk is a combination of the likelihood of a particular hazard and the consequences of that event.

It is also important to recognise that any activity in the CMA may increase the risk of coastal hazards and that what is paramount is that any increase in risk is acceptable.

Changes are also proposed to separate out natural hazard risks from risks to aircraft and navigation safety.

The coastal environment is at high risk of coastal hazards ~~area~~. Risks include tornados, coastal erosion, tsunami, storm surges, and cliff rock falls and slumps. The risk of, ~~and~~ vulnerability to, coastal hazards may increase over time, for instance due to climate change and sea level rise.

Although most natural processes that cause coastal hazards originate at sea, the major effects of these processes are nearly always felt on land. The Taranaki coastline is continually influenced by the natural forces of wind and waves. This, coupled with the soft geology found in some localities around the coastline, means that the most significant coastal hazard in Taranaki is coastal erosion. Although coastal erosion and other hazards are generally a natural phenomenon, human activity in the coastal marine area may influence the susceptibility of people, property and the environment to loss or damage on account of coastal hazards. It is important that use and development of the coastal marine area does not increase coastal hazard risk to people or property to unacceptable levels.

Similarly, activities in the coastal marine area may also impact on the health or safety of people or property, including aircraft or navigational safety. It is important that these activities do not ~~use and development of the coastal marine area does not increase coastal hazard risk or~~ pose a threat to the health and safety of people or property (refer 7 below).

Managing the Taranaki coastal environment

Further to the changes above, it is not appropriate to require no increase in coastal hazard risk. Any development in the CMA is likely to increase natural hazard risk to some extent.

7. Ensuring use and development of the coastal marine area does not increase coastal hazard risk to unacceptable levels or pose a threat to the health and safety of people and property.

C. Relief sought (accepting that alternative wording may achieve the same intent):

21. Retain section 3.1 subject to the following amendments:

The coastal environment is at high risk of coastal hazards ~~area~~. Risks include tornados, coastal erosion, tsunami, storm surges, and cliff rock falls and slumps. The risk of, ~~or~~ and vulnerability to, coastal hazards may increase over time, for instance due to climate change and sea level rise.

Although most natural processes that cause coastal hazards originate at sea, the major effects of these processes are nearly always felt on land. The Taranaki coastline is continually influenced by the natural forces of wind and waves. This, coupled with the

soft geology found in some localities around the coastline, means that the most significant coastal hazard in Taranaki is coastal erosion. Although coastal erosion and other hazards are generally a natural phenomenon, human activity in the coastal marine area may influence the susceptibility of people, property and the environment to loss or damage on account of coastal hazards. It is important that use and development of the coastal marine area does not increase coastal hazard risk to people or property to unacceptable levels.

Similarly, activities in the coastal marine area may also impact on the health or safety of people or property, including aircraft or navigational safety. It is important that these activities do not ~~use and development of the coastal marine area does not increase coastal hazard risk or~~ pose a threat to the health and safety of people or property (refer 7 below).

22. Retain section 3.2 subject to the following amendments:

7. Ensuring use and development of the coastal marine area does not increase coastal hazard risk to unacceptable levels or pose a threat to the health and safety of people and property.

SCHEDULE FIVE SECTIONS 4 AND 5 OBJECTIVES AND POLICIES

A. The specific parts of the PCP subject of this submission are:

- Objectives 1 and 2, which are supported
- Objective 3, which is supported in part
- Objectives 4 to 7, which are supported
- Objective 8, which is supported in part
- Objective 13, which is supported in part
- Policies 1 and 2, which are supported in part
- Policy 2, which is supported in part
- Policy 3, which is supported
- Policy 4, which is opposed
- Policies 5 and 6, which are supported in part
- Policy 7, which is opposed
- Policies 8 and 9, which are supported in part
- Policies 10 to 12, which are supported
- Policy 13, which is supported
- Policy 14, which is opposed in part
- Policy 15, which is supported
- Policy 17, which is supported
- Policy 18, which is supported
- Policy 20, which is supported in part
- Policy 22, which is supported
- Policy 27, which is supported
- Policy 30, which is supported
- Policy 31, which is supported
- Policy 32, which is supported
- Policy 36, which is supported
- Policy 37, which is supported in part
- Policies 38 to 39, which are supported

B. The reason for the submission

The Oil Companies are concerned that a number of objectives and policies paraphrase the RMA and the NZCPS and may not give effect to them. The Oil Companies seek to ensure that the PCP gives effect to the NZCPS and RPS and provides appropriately for its activities, including activities in close proximity to sensitive management areas.

The Oil Companies also seek to ensure that the PCP gives effect to the RPS and recognises the Oil Companies' regionally significant infrastructure. The RPS includes provisions which are of particular relevance to the Oil Companies' activities, namely:

Objective 15.1 – *To provide for the continued safe and efficient operation of the region’s network utilities and other infrastructure of regional significance (including where this is of national importance), while avoiding, remedying or mitigating adverse effects on the environment.*

INF Policy 1 – *Provision will be made for the efficient and effective establishment, operation, maintenance and upgrading of network utilities and other physical infrastructure of regional significance (including where this is of national importance), and provision for any adverse effects of their establishment to be avoided, remedied or mitigated as far as is practicable.*

INF Policy 2 – *The adverse effects of subdivision, use and development on the safety, efficiency, operation, maintenance and upgrading of the region’s network utilities and on other physical infrastructure of regional significance (including where this is of national importance), will be avoided or mitigated.*

INF POLICY 4 - *New land use generated by growth and development and the associated local, regional and national infrastructure to service that growth should be integrated and planned alongside one another to avoid either constraints being imposed on necessary growth and development by the lack of supporting infrastructure or to avoid unsustainable demands being placed on infrastructure to meet new growth.*

Objective 1: Integrated management

Management of the coastal environment, including the effects of use and development on land, air and fresh water, is carried out in an integrated manner.

The proposed objective adds little to what is required by ss30(1)(a) of the RMA but is supported.

Objective 2: Appropriate use and development

Natural and physical resources of the coastal environment are used efficiently, and activities that depend on the use and development of these resources are provided for in appropriate locations.

The Oil Companies have pipelines in the CMA and assets in the wider coastal environment which are essential to their bulk fuel storage activities. The Oil Companies

support the recognition that there are activities that depend on the use and development of the coastal environment and these should be provided for. The Oil Companies consider that in providing for the use of natural and physical resources of natural and physical resources the objective will support the continued operation, maintenance and upgrade of these assets.

Objective 3: Reverse sensitivity

The use and ongoing operation of nationally and regionally important infrastructure and other existing lawfully established activities is protected from new or inappropriate use and development in the coastal environment.

The Oil Companies support the intent of this objective subject to minor changes to recognise the need to provide for the maintenance and upgrading of this infrastructure, not just its operation.

The use and ongoing operation, maintenance, and upgrading of nationally and regionally important infrastructure and other existing lawfully established activities is protected from new or inappropriate use and development-in the coastal environment.

Objectives 4 and 5

Objective 4: *Life-supporting capacity and mouri - The life-supporting capacity and mouri of coastal water, land and air are safeguarded from the adverse effects, including cumulative effects, of use and development of the coastal environment.*

Objective 5: *Coastal water quality - Water quality in the coastal environment is maintained and enhanced.*

The proposed objectives seem to adopt wording that is very similar to the National Policy Statement for Freshwater Management but are supported.

Objectives 6 and 7

Objective 6: *Natural character - The natural character of the coastal environment is preserved and protected from inappropriate use and development and is restored where appropriate.*

Objective 7: *Natural features and landscapes - The natural features and landscapes of the coastal environment are protected from inappropriate use and development.*

Objectives 6 and 7 essentially paraphrase aspects of Policies 13, 14 and 15 of the NZCPS. In requiring preservation and protection of natural character objective 6 is directive and will potentially have significant implications for activities in the coastal environment. However, the directiveness of the policy is tempered somewhat by only stipulating that this applies to *inappropriate* use and development. On this basis the Oil Companies support objective 6 and for the same reasons support objective 7.

Objective 8: Indigenous Biodiversity

Indigenous biodiversity in the coastal environment is maintained and enhanced and areas of significant indigenous biodiversity in the coastal environment are protected.

The Oil Companies support the intent of the objective but are concerned that areas of significant indigenous biodiversity are not mapped and therefore it is unclear whether these areas will intersect with its activities. The Oil Companies seek to ensure that this objective, and corresponding policies and rules do not unreasonably constrain regionally significant infrastructure.

Objective 13: Coastal hazard risk and public health and safety

The risk of social, cultural, environmental, and economic harm from coastal hazards is not increased and public health, safety and property is not compromised by use and development of the coastal marine area.

- 1.1 Further to the discussion at Schedule Four of this submission, development in the coastal environment may increase risk but these risks may be acceptable. The same potential applies for development to increase potential for harm. New development at the port for instance may increase the risk of economic harm in the event of tsunami but this risk may be acceptable. This could be appropriately addressed by amending the objective as follows:

The risk of social, cultural, environmental, and economic harm from coastal hazards is not increased to unacceptable levels and public health, safety and property is not compromised by use and development of the coastal marine area.

Policy 1: Coastal management areas

Policy 1 recognises that different areas have values, characteristics or uses and that consequently different management measures are required. The policy lists these key management areas and their characteristics.

As set out at Schedule Two of this submission, there is existing infrastructure both within and in close proximity to the Nga Motu and Tapuae area of outstanding value. The existence of these assets is not reflected in the characteristics of the area as described at Schedule 2 of the PCP.

It is important that the infrastructure in these areas can be operated, maintained and upgraded. To ensure this is provided for, the Oil Companies seek to have the existence of infrastructure in these areas explicitly recognised in Policy 1. The following addition is proposed at 1(a):

These areas may contain regionally important infrastructure.

References to infrastructure at 1(d) and 1(e) should be retained as notified.

The Oil Companies do not have assets affected by the Estuaries Unmodified/Modified areas.

Policy 2: Integrated management

Policy 2 is supported subject to amendments to clause (f). In particular the Oil Companies seek that the policy refers to functional need as defined in Schedule One of this submission⁴. The proposed definition provides certainty for plan users regarding what these functional needs are.

(f) managing natural and physical ~~coastal~~ resources in a manner that has regard to the social, economic and cultural objectives and well-being of the community and the functional need and/or location constraints of nationally or regionally important infrastructure; and

Policy 3: Precautionary approach

Adopt a precautionary approach, which may include using an adaptive management approach, where the effects of any activity on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.

The Oil Companies support the adoption of a precautionary approach and in particular the use of adaptive management where the effects of an activity are uncertain.

⁴ *Functional need means a requirement for a proposal or activity to traverse, locate or operate in the coastal environment.*

Policy 4: Extent and characteristics of the coastal environment

Determine the inland extent of the coastal environment for the purposes of policies under Section 5.1 of the Plan on a case by case basis by having regard to:

- (a) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas; and*
- (b) the geographic extent to which activities within the coastal marine area may cause adverse effects on significant values and characteristics landward of the coastal marine area.*

Policy 4 sets out that the coastal environment will be defined on a case by case basis.

As set out with regard to the proposed definition of coastal environment, it is neither efficient nor effective to require the coastal environment to be defined on a case by case basis. Such an approach will lead to significant costs and uncertainties, including disputes as to whether the PCP is relevant to a particular activity. For instance it is unclear to the Oil Companies whether the Council considers its existing terminals to be located in the coastal environment.

The proposed policy is opposed and should be deleted and replaced with comprehensive mapping of the coastal environment, not just the CMA.

Policy 5: Appropriate use and development of the coastal environment

Retain Policy 5 subject to amendments to clause (a) and (b) to more clearly convey the intent of the policy and clause (e) to reflect that often little can be done to control coastal hazard risk.

Determine whether use and development of the coastal environment is in an appropriate place and form and within appropriate limits by having regard to:

- (a) the functional need for the activity to be located in the coastal marine area. Conversely, ~~a~~Activities that do not have a functional need to be located in the coastal marine area generally should not be located there (unless the non-marine related activity complements the intended use and function of the area);*
- (b) the benefits to be derived from the activity at a local, regional and national level, including the potential contribution of aquaculture and marine based renewable energy resources;*

- (c) *the appropriateness of the proposed design, and methodology, and whether it is the best practicable option, location or route of the activity in the context of the receiving environment and any possible alternatives;*
- (d) *the degree to which the activity will recognise and provide for the relationships, uses and practices of Maori and their culture and traditions with their lands, water ,sites, wahi tapu, and other taonga in the coastal environment such as mahinga kai, tauranga waka (canoe landing sites), nga toka (rocks) and turanga ika (fishing grounds).*
- (e) *The degree to which the activity will be ~~threatened by, or contribute to,~~ subject to unacceptable risks or exacerbate adverse effects arising from coastal hazards risk, or pose a threat to public health and safety with particular reference to Policy 20;...*

Policy 6 Activities important to the well-being of people and communities

The intent of policy 6 is supported subject to a minor amendment to specifically provide for the safe and efficient operation of infrastructure and give effect to Objective 15.1 of the RPS.

Recognise and provide for the safe and efficient operation of new and existing infrastructure of regional importance or of significance to the social, economic and cultural well-being of people and communities in Taranaki, subject to appropriate management of adverse environmental effects.

Policy 7: Impacts on established operations and activities

Objective 3 of the PCP requires protection of regionally important infrastructure from new or inappropriate use and development. In requiring the avoidance, remedy or mitigation of adverse effects, Policy 7 is noticeably less directive and does not give effect to the overarching PCP objective or Policy 1 of the RPS. The following is proposed:

~~*Avoid, remedy or mitigate the adverse effects of activities, including reverse sensitivity impacts, on existing lawfully established activities*~~ *Restricting the establishment or intensification of activities that may result in reverse sensitivity effects by:*

- (a) *Avoiding significant adverse effects on infrastructure of national or regional importance;*

(b) Avoiding, remedying or mitigating other adverse effects on infrastructure of national or regional importance;

(c) Avoiding, remedying or mitigating adverse effects on other activities.

Policy 8: Areas of outstanding value

Policy 8 relates to areas of outstanding value. The Oil Companies have assets in close proximity to the Nga Motu and Tapuae area of outstanding value which also includes regionally important infrastructure.

In the first instance, the Oil Companies seek that the mapping is revisited. However, if the extent of the area of outstanding value is retained, the Oil Companies seek to ensure that the presence of infrastructure in such areas is recognised and that Policy 8 enables its operation, maintenance, and upgrade. This could be achieved by amending Policy 8 as follows:

Protect the visual quality and the physical, ecological and cultural integrity of coastal areas of outstanding value identified in Schedule 1 from inappropriate use and development by:

(a) avoiding adverse effects of activities on the values and characteristics identified in Schedule 2 that contribute to areas:

(i) having outstanding natural character; and/or

(ii) being outstanding natural features and landscape;

within or adjoining coastal management area – Outstanding Value; and

(b) maintaining significant seascapes and visual corridors associated with outstanding natural features and landscapes, including views from within the landscapes or features, and views of the landscapes and features;

(c) recognising the need to provide for the ongoing operation, maintenance, and upgrade of existing infrastructure.

Policy 9: Natural character and natural features and landscapes

Similar changes are proposed to ensure the safe and efficient operation of regionally important infrastructure is recognised in other areas of natural character and natural features. This is appropriate given the importance of this infrastructure and the need to give effect to the NZCPS and RPS.

Protect all other areas of the coastal environment not identified in Schedule 2 by:

(a) avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on natural character and natural features and landscapes by having regard to the extent to which the activity:

- (i) contributes to the enhancement or restoration of natural character;*
- (ii) is compatible with the existing level of modification to the environment, including by having particular regard to Policy 1;*
- (iii) is appropriate for the context of the area within the surrounding landscape, its representativeness and ability to accommodate change;*
- (iv) is of an appropriate form, scale and design to be sympathetic to the existing landforms, features and vegetation (excluding high visibility markers required for safety or conservation purposes) or is of a temporary nature and any adverse effects are of a short duration and are reversible;*
- (v) maintains the integrity of significant areas of indigenous vegetation;*
- (vi) maintains the integrity of historic heritage;*
- (vii) maintains physical, visual (including seascapes) and experiential attributes that significantly contribute to the scenic, wild or other aesthetic values of the area; and*
- (viii) alters the integrity of landforms and features, or disrupts the natural processes and ecosystems.*
- (ix) is necessary to provide for the safe and efficient operation, maintenance, upgrade and development of regionally important infrastructure.*

Policy 10 Restoration of natural character

Promote the restoration or rehabilitation of natural character of the coastal environment particularly in relation to dunes, estuaries, coastal wetlands, coastal indigenous vegetation cover and habitats, ecological corridors, coastal water quality, and land stability where human-induced soil or coastal erosion is an issue.

The direction to promote restoration of natural character is supported, including in relation to the particular areas identified.

Policy 11: Coastal water quality

Maintain and enhance coastal water quality by avoiding, remedying and mitigating the adverse effects of activities on:

- (a) the life-supporting capacity of coastal water;*
- (b) the mauri and wairua of coastal water;*
- (c) the integrity and functioning of natural coastal processes; and*
- (d) the ability of coastal water to provide for existing and anticipated future use by the community.*

Policy 11 requires the maintenance and enhancement of coastal water quality by avoiding, remedying or mitigating adverse effects. The Oil Companies have a number of discharges which if not appropriately managed have the potential to adversely affect water quality. These discharges are to the reticulated stormwater network or freshwater outside the CMA but have historically not consistently been considered by Council as discharges under the Regional Fresh Water Plan. This is reflected in the discharge permits held by the Oil Companies which include a coastal permit and a discharge permit for what were considered discharges to the CMA.

The proposed policy will provide policy support for the renewal of these discharges in due course, if considered under the PCP. This matter is addressed further with regard to stormwater rules 1 to 3 at Schedule 6 of this submission.

Policy 12: Restoration of water quality

Promote the restoration of coastal water quality where deterioration is having a significant adverse effect on ecosystems, natural habitats or water based recreational activities, or is restricting existing uses such as shellfish gathering and cultural activities, as identified in Schedule 3.

The direction to promote restoration of water quality where deterioration is having significant adverse effects is appropriate.

Policy 13: Coastal air quality

Maintain and enhance coastal air quality by avoiding remedying and mitigating the adverse effects of activities on the life-supporting capacity of coastal air.

The Oil Companies support the proposed policy and in particular the ability to avoid, remedy or mitigate adverse effects.

Policy 14: Indigenous biodiversity

Policy 14 paraphrases in large part Policy 11 of the NZCPS with some local context provided, primarily by Schedules 4A and 4B of the PCP. These scheduled areas are not mapped but rather listed and broad areas provided where they may be found. The Oil Companies are concerned that in essentially rolling over Policy 11 from the NZCPS, particularly the requirement to avoid adverse effects on a number of areas, the policy will not provide appropriately for discharges to the CMA. The Oil Companies seek to ensure that this policy and corresponding rules do not unreasonably constrain regionally significant infrastructure.

Policy 15: Historic Heritage

Policy 15 addresses historic heritage. Clause (b) requires the avoidance of significant adverse effects and the management of other adverse effects on the values associated with sites of significance to Maori. The Oil Companies have assets proximate to sites of significance to Maori and support the management approach to adverse effects provided in this overlay.

Policy 17: Public Access

Policy 17 seeks to maintain and enhance public access to the coastal environment but recognises the need to protect public health and safety. This is supported, particularly in relation to activities at the port where public access may not be appropriate.

Policy 18: Amenity Values

Policy 18 requires the maintenance and enhancement of amenity values by avoiding, remedying or mitigating adverse effects on a range of areas, including outstanding value and significant amenity. The Oil Companies support this management approach noting that the port is in close proximity to several identified areas of significant amenity value.

Policy 20: Avoidance of increasing coastal hazard or public safety risk

Further to the discussion of hazards at Schedule 3 of this submission and in relation to Objective 13, minor amendments are required to Policy 20 to ensure that the policy cannot be interpreted as excluding any increase in risk. The policy should focus on managing risk to acceptable levels. This could be achieved by amending it as follows:

Avoid unacceptable increases ~~ing~~ in the risk of social, environmental and economic harm from coastal hazards or posing a threat to public health and safety, or aircraft or navigation safety including by:

(a) for coastal hazard risk, ensuring:

- (i) where appropriate, the design, placement, and long-term efficiency and use of structures, reclamations or works takes into account dynamic coastal processes, including the expected effects of tsunami, climate change and sea level rise, assessed over at least a 100 year time frame;
- (ii) activities that involve disturbance, deposition or extraction do not remove or interact with such quantities of sediment from the onshore-offshore or longshore drift systems as to materially increase the rate of coastal erosion; and
- (iii) structures and reclamations are designed and managed to avoid or remedy erosion and scour as a consequence of the structure, including by reflection, refraction or diffraction of wave energy, and the interaction or interception of sediment; and

(b) for aircraft or navigation safety, and general public health and safety:

- (iv) ensuring activities allow the free and safe passage of vessels to and from lawful launching, mooring or berthing areas;
- (v) separating conflicting recreational and commercial activities; ensuring activities do not adversely affect the functioning of navigation aids;
- (vi) ensuring discharges to air are not hazardous to human health or restrict visibility in accordance with Policy 30;
- (vii) requiring structures to be maintained to an appropriate standard; requiring structures to be appropriately located and lit whilst avoiding light emissions that could affect the safe navigation of vessels and aircraft; and
- (viii) enabling the removal of structures in accordance with Policy 38, where they are no longer functional or required, or have been abandoned.

Policy 22: Discharge of water or contaminants to coastal waters

The Oil Companies support Policy 22 subject to a minor amendment for clarity as set out below:

Discharges of water or contaminants to water in the coastal marine area will:

- (a) be of an acceptable quality with regard to:
 - (i) the sensitivity of the receiving environment;*
 - (ii) the nature and concentration of the contaminants to be discharged and the efficacy of ~~waste~~ contaminant reduction, treatment and disposal measures;*
 - (iii) the capacity of the receiving environment to assimilate the contaminants and achieve the required water quality, taking into account the potential for cumulative or synergetic effects;**
- (b) avoid the accumulation of persistent toxic contaminants in the environment;*
- (c) adopt the best practicable option to prevent or minimise adverse effects on the environment, having consideration to:
 - (i) discharging contaminants onto or into land above mean high water springs as an alternative to discharging contaminants into coastal waters;*
 - (ii) the use of constructed wetlands or other land-based treatment systems as an alternative to discharging directly to water unless there is no other practicable option;*
 - (iii) the nature of the discharge and sensitivity of the receiving environment; the capital, operating and maintenance costs of alternative technical options to reduce the effects of the discharge,*
 - (iv) the effectiveness and reliability of each option, and the relative benefits to the receiving environment offered by each option; and*
 - (v) the weighting of costs in proportion to any benefits to the receiving environment offered by each option;**
- (d) be required, where appropriate, to reduce adverse environmental effects through a defined programme of works set out as a condition of consent for either new resource consents or during a renewal or review process for existing resource consents;*
- (e) use the smallest mixing zone necessary to achieve the required water quality in the receiving environment and minimise as far as practicable the adverse effects within the mixing zone; and*
- (f) avoid, remedy or mitigate adverse effects, after reasonable mixing.*

Policy 27: Discharge of stormwater

Discharges of stormwater to the coastal marine area will be appropriately managed by:

- (a) adequate consideration of:*
 - (i) the nature of the activities undertaken, and substances stored or used, within the contributing catchment;*
 - (ii) the use of source controls to avoid the contamination of stormwater;*
 - (iii) the use of measures (which may include treatment) to prevent or minimise contamination of the receiving environment;*
 - (iv) the use of design options to reduce the overall volume of stormwater requiring disposal to the coastal marine area, including discharging into or onto land; and*
 - (v) integrated management of whole stormwater catchments and stormwater networks where appropriate;*
- (b) avoiding, where practicable, and otherwise remedying cross contamination of sewage and stormwater systems; and*
- (c) ensuring discharge rates and volumes, and outlet structures are designed and managed to avoid, remedy or mitigate erosion and scour.*

Policy 27 is in line with best practice and is supported.

Policy 30: Discharge of contaminants to air

Discharges of contaminants to air in the coastal marine area will:

- (a) not occur at a volume, concentration or rate, or in such a manner that causes or is likely to cause a hazardous, noxious, dangerous, toxic, offensive or objectionable effect on the environment including human or animal health or the significant restriction of visibility or soiling of property;*
- (b) not cause odours that are offensive or objectionable to people on private property or public places of assembly or on their use and enjoyment of the coast; and*
- (c) adopt the best practicable option to prevent or minimise adverse effects on the environment by giving consideration to the following:*
 - (i) the nature of the discharge;*
 - (ii) the sensitivity of the receiving environment;*
 - (iii) the capital,*

- (iv) *operating and maintenance costs of relative technical options to reduce the effects of the discharge, the effectiveness and reliability of each option, and the relative benefits to the receiving environment offered by each option; and*
- (v) *the weighting of costs in proportion to any benefits to the receiving environment offered by each option.*

The proposed policy provides appropriately for discharges to air and is supported.

Policies 31, 32 and 36

Policy 31: *Structures that support safe public access and use, or public or environmental benefit*

Structures in appropriate locations will be allowed for, subject to the appropriate management of adverse effects, where the structure is to provide for:

- (a) *public access and use of the coastal marine area, including for traditional uses and cultural or recreational activities (excluding whitebait stands);*
- (b) *public health and safety, including navigational aids;*
- (c) *scientific or educational study or research; and the efficient operation of nationally and regionally important infrastructure.*

Policy 36: *Maintenance, repair, replacement and minor upgrading of existing structures*

Maintenance, repair, replacement and minor upgrading of existing lawful structures and reclamations will be allowed in order to:

- (a) *enable compliance with applicable standards and codes;*
- (b) *ensure structural integrity;*
- (c) *maintain or improve efficiency; or*
- (d) *address health and safety or navigational safety issues;*

subject to the appropriate management of adverse effects.

In conjunction with Policy 32, which addresses the placement of structures in the CMA, the proposed policies recognise the functional need for some structures to be located in the CMA and provide appropriately for the Oil Companies' activities

Policy 37

The intent of this policy is supported although it is considered that it should also apply to alterations or extensions which are minor. This could be achieved by amending the policy as follows:

~~Major a~~Alteration or extension of existing lawful structures, including major alterations or extensions, will be allowed in locations where the activity will not have significant adverse effects on other uses and values and will:

- (a) result in greater, more efficient, or multiple use of the structure for marine activities; or*
- (b) reduce the need for a new structure elsewhere.*

Policies 38 and 39

Policy 38: Removal of coastal structures

Decommissioning and removal of any new structure will be planned for as part of the initial design and installation. Structures will be removed from the coastal marine area at the expiry of their authorisations or at the end of their useful lives, unless one or more of the following applies:

- (a) removal of the structure would cause greater adverse effects on the environment than leaving it in place;*
- (b) the structure is an integral part of an historic heritage site or landscape; or*
- (c) the structure, or part of the structure, has reuse value that is considered appropriate in accordance with Policy 5.*

Policy 39: Occupation

Structures and activities occupying space within the common marine and coastal area should be established and operated in a manner that does not unreasonably restrict or prevent other users of the coastal marine area.

Occupation should be avoided in areas where it will have significant adverse effects on public use.

These policies provide appropriately for removal and occupation associated with the Oil Companies' structures and should be retained as notified.

- C. Relief sought (accepting that alternative wording may achieve the same intent):
23. Ensure the objectives and policies give effect to the NZCPS and RPS and in particular provide appropriately for the operation, maintenance and upgrade of regionally important infrastructure.
 24. Retain Objectives 1 and 2 as notified.
 25. Amend Objective 3 as follows:
The use and ongoing operation, maintenance, and upgrading of nationally and regionally important infrastructure and other existing lawfully established activities is protected from new or inappropriate use and development in the coastal environment.
 26. Retain Objectives 4, 5, 6 and 7 as notified.
 27. Ensure Objective 8 and corresponding policies and rules provide appropriately for the operation, maintenance and upgrade of existing regionally important infrastructure.
 28. Amend Objective 13 as follows
The risk of social, cultural, environmental, and economic harm from coastal hazards is not increased to unacceptable levels and public health, safety and property is not compromised by use and development of the coastal marine area.
 29. Retain Policy 1 subject to an amendment to recognise the existence of existing infrastructure in areas of Outstanding Value, unless the mapping is amended such that this is not the case. This could be achieved by adding the following characteristic to Policy 1(a):

These areas may contain regionally important infrastructure.
 30. Retain Policy 2 subject to amendments to clause (f) to provide certainty to plan users, including by referencing the term functional need proposed at Schedule 1 of this submission:

(f) managing natural and physical ~~coastal~~-resources in a manner that has regard to the social, economic and cultural objectives and well-being of the community and the functional need and/or location constraints of nationally or regionally important infrastructure; and...
 31. Delete Policy 4 in favour of comprehensive mapping of the coastal environment

Policy 4: Extent and characteristics of the coastal environment

Determine the inland extent of the coastal environment for the purposes of policies under Section 5.1 of the Plan on a case by case basis by having regard to:

- (a) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas; and*
- (b) the geographic extent to which activities within the coastal marine area may cause adverse effects on significant values and characteristics landward of the coastal marine area.*

32. Retain Policy 5 subject to amendments to clauses (a) and (c) as follows:

Determine whether use and development of the coastal environment is in an appropriate place and form and within appropriate limits by having regard to:

- (a) the functional need for the activity to be located in the coastal marine area. Conversely, Activities that do not have a functional need to be located in the coastal marine area generally should not be located there (unless the non-marine related activity complements the intended use and function of the area);*
- (b) the benefits to be derived from the activity at a local, regional and national level, including the potential contribution of aquaculture and marine based renewable energy resources;*
- (c) the appropriateness of the proposed design, and methodology, and whether it is the best practicable option, location or route of the activity in the context of the receiving environment and any possible alternatives;*
- (d) the degree to which the activity will recognise and provide for the relationships, uses and practices of Maori and their culture and traditions with their lands, water, sites, wahi tapu, and other taonga in the coastal environment such as mahinga kai, tauranga waka (canoe landing sites), nga toka (rocks) and turanga ika (fishing grounds).*
- (e) The degree to which the activity will be threatened by, or contribute to, subject to unacceptable risks or exacerbate adverse effects arising from coastal hazards risk, or pose a threat to public health and safety with particular reference to Policy 20;...*

- 33. Retain Policy 6 subject to a minor amendment to better reflect the outcome of the policy and give effect to the RPS:**

Recognise and provide for the safe and efficient operation of new and existing infrastructure of regional importance or of significance to the social, economic and cultural well-being of people and communities in Taranaki, subject to appropriate management of adverse environmental effects.

- 34. Amend Policy 7 as follows to give effect to Objective 3 and the RPS:**

Impacts on established operations and activities

~~Avoid, remedy or mitigate the adverse effects of activities, including reverse sensitivity impacts, on existing lawfully established activities~~ Restricting the establishment or intensification of activities that may result in reverse sensitivity effects by:

- (a) Avoiding significant adverse effects on infrastructure of national or regional importance;*
- (b) Avoiding, remedying or mitigating other adverse effects on infrastructure of national or regional importance;*
- (c) Avoiding, remedying or mitigating adverse effects on other activities.*

- 35. Amend Policy 8 to ensure it enables the operation, maintenance and upgrade of existing infrastructure. This could be achieved by adding clause (c) as follows:**

(c) recognising the need to provide for the ongoing operation, maintenance, and upgrade of existing infrastructure.

- 36. Amend Policy 9 to ensure it enables the safe and efficient operation of regionally important infrastructure. This could be achieved by adding an additional clause as follows:**

(ix) is necessary to provide for the safe and efficient operation, maintenance, upgrade and development of regionally important infrastructure.

- 37. Ensure Policy 14 and corresponding rules provide appropriately for the operation, maintenance and upgrade of existing regionally important infrastructure.**

- 38. Retain Policies 10, 11, 12, 15, 17, 18 and 30 as notified.**

- 39. Retain Policy 20 subject to the following amendment:**

Avoid unacceptable increases ~~ing~~ in the risk of social, environmental and economic harm from coastal hazards or posing a threat to public health and safety, or aircraft or navigation safety including by: ...

40. Retain Policy 22 subject to the following amendment:

Discharges of water or contaminants to water in the coastal marine area will:

- (a) be of an acceptable quality with regard to:*
 - (i) the sensitivity of the receiving environment;*
 - (ii) the nature and concentration of the contaminants to be discharged and the efficacy of ~~waste~~ contaminant reduction, treatment and disposal measures;*
 - (iii) the capacity of the receiving environment to assimilate the contaminants and achieve the required water quality, taking into account the potential for cumulative or synergetic effects;*
- (b) avoid the accumulation of persistent toxic contaminants in the environment;*
- (c) adopt the best practicable option to prevent or minimise adverse effects on the environment, having consideration to:*
 - (vi) discharging contaminants onto or into land above mean high water springs as an alternative to discharging contaminants into coastal waters;*
 - (vii) the use of constructed wetlands or other land-based treatment systems as an alternative to discharging directly to water unless there is no other practicable option;*
 - (viii) the nature of the discharge and sensitivity of the receiving environment; the capital, operating and maintenance costs of alternative technical options to reduce the effects of the discharge,*
 - (ix) the effectiveness and reliability of each option, and the relative benefits to the receiving environment offered by each option; and*
 - (x) the weighting of costs in proportion to any benefits to the receiving environment offered by each option;*
- (d) be required, where appropriate, to reduce adverse environmental effects through a defined programme of works set out as a condition of consent for either new resource consents or during a renewal or review process for existing resource consents;*

- (e) use the smallest mixing zone necessary to achieve the required water quality in the receiving environment and minimise as far as practicable the adverse effects within the mixing zone; and*
- (f) avoid, remedy or mitigate adverse effects, after reasonable mixing.*

41. Retain Policy 27 as notified.

42. Retain Policies 31, 32, and 36 as notified.

43. Retain Policy 37 subject to the following amendment:

~~Major~~ Alteration or extension of existing lawful structures, including major alterations or extensions, will be allowed in locations where the activity will not have significant adverse effects on other uses and values and will:....

44. Retain Policies 38 and 39 as notified.

SCHEDULE SIX REGIONAL RULES
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A. The specific parts of the PCP subject of this submission are:

- Rule 1, which is supported in part
- Rule 2, which is supported in part
- Rule 3, which is supported in part
- Rules 13 and 14, which are supported in part
- Rule 22, which is supported in part
- Rule 33, which is supported
- Rule 35, which is supported in part
- Rule 37, which is supported in part
- Rule 39, which is supported in part
- Rule 40, which is supported
- Rules 42 and 43, which are supported
- Rule 44, which is supported
- Rule 45, which is supported
- Rule 46, which is supported
- Rules 48 to 50, which are supported

B. The reason for the submission

Rules 1 to 3 – stormwater discharges

Rules 1 to 3 establish the cascade for stormwater discharges from particular activities and areas. Importantly for the Oil Companies activities, a note to each rule provides clarity that discharges of stormwater into a district council managed stormwater system are discharges to land outside the CMA and should be assessed under the Regional Fresh Water Plan. This approach has not been consistently applied by Council historically and recognition in the rules is supported. The Oil Companies have no discharges direct to the CMA and therefore are neutral with regard to the balance of the stormwater rules.

Rules 13 and 14

The Oil Companies seek that a note similar to that provided for rules 1 to 3 is provided to the default rules for discharges not otherwise provided for. This reflects that the Oil Companies activities include other discharges which are not necessarily considered stormwater, for instance bund testing water and dewatering water. It is appropriate that these are considered under the Fresh Water Plan, as per stormwater discharges.

Rule 22 and Rule 33 – new structures

Rule 22 provides for the erection or placement of certain network utility structures in the CMA as a controlled activity (except in areas of Outstanding Value), including where the structure is a pipeline that is buried or attached to a bridge or access structure.

The Oil Companies have existing pipelines in the CMA and seek clarity that in referring to access structures Rule 22 includes wharfs. Alternatively wharves could be explicitly listed. This will ensure there is an appropriate pathway for new pipelines that may be required. Where compliance cannot be achieved with Rule 22, discretionary activity consent is required pursuant to Rule 33. The Oil Companies support this cascade.

Rule 35

Rule 35 provides for the maintenance, repair/reconstruction or minor alteration of existing lawfully established structures in all areas, excluding the port, as a permitted activity, subject to standards. It is unclear why Rule 35 does not apply in the Port, noting that Rule 39, which is specific to the Port, suggests that Rule 39 is only relevant where the activity does not comply with Rule 35. If Ports were excluded from Rule 35, this would not apply. It is therefore suggested that this omission may be inadvertent. The Oil Companies consider it would be appropriate to provide for ports at Rule 35.

The deletion of minor from the rule itself is also sought as the standards clearly set out what is considered to be minor for the purpose of the rule.

Rule 37

Rule 37 provides for the repair, alteration or extension of network utility structures, excluding in areas of outstanding value, as a controlled activity, subject to standards. The rule is supported subject to amendments to also enable maintenance and to provide for pipelines attached to wharves.

Rules 39, 40, 42 and 43

Rule 39 provides for the maintenance, repair/reconstruction or alteration where the activity relates to wharves, including any attached structures, directly related to port company operations. It is intended to apply to the Port where compliance with Rule 35 cannot be achieved.

The intent of the rule is supported but the application of it only to 'port company' operations is opposed. Not all of the structures at the port are owned by the port

company and the rule should therefore not be restricted in this way. Where compliance cannot be achieved the controlled activity pathway at Rule 40 is supported.

Existing lawfully established structure maintenance, repair or alteration where the activity relates to that part of the wharves or breakwaters that is normally above the water surface including any attached structures, and relates directly to port ~~company~~ operations and any associated:

(a) occupation of space in the common marine and coastal area;

(b) deposition in, on or under the foreshore or seabed;

(c) and discharge of contaminants

and does not come within or comply with Rule 35.

Rules 42 and 43 provide discretionary and non-complying pathways where compliance cannot be achieved with relevant standards of the above rules.

Rules 48, 49 and 50

Rule 48 provides for the continued occupation of the common marine and coastal area with an existing lawfully established structure, where the occupation was permitted at the time of placement. The rule applies across all coastal management areas and is conditional on the structure being used for its original purpose. The Oil Companies support this rule. Similarly the Oil Companies support Rule 49 which provides a controlled activity pathway for renewal of resource consents to occupy and Rule 50 which provides a discretionary activity pathway where compliance cannot be achieved with Rules 48-50.

C. Relief sought (accepting that alternative wording may achieve the same intent):

45. Retain Rules 1 to 3 and in particular the recognition that all discharges of stormwater into district council managed stormwater systems are discharges to land outside the CMA and therefore not assessed under the rules of the PCP.

46. Retain Rules 13 and 14, subject to the addition of a note as follows:

A discharge into a district council managed stormwater system is a discharge to land outside the CMA and an assessment for consent requirement should be made under the Freshwater Plan not this rule.

47. Retain Rule 22 subject to a clarification that access structures include wharves or alternative specifically list wharves as follows:

Network utility structure erection or placement where the structure is:

(a) A pipeline that is buried or attached to a bridge, wharf or access structure...

48. Retain Rule 33 as notified.

49. Retain Rule 35 subject to deletion of the word ‘minor’ and an amendment so that the rule applies to the Port. This could be achieved by adding Port to the list of relevant coastal management areas.

50. Retain Rule 37 subject to the following amendments:

Lawfully established network utility structure maintenance, repair, alteration or extension where the structure is:

- (a) a pipeline that is buried or attached to a bridge, wharf or access structure;*
- (b) an outfall structure;*
- (c) an intake structure;*
- (d) a communication or electricity cable that is buried or attached to a bridge or access structure; or*
- (e) marine communications equipment*

excluding:

- (f) any structure seaward of the Main Breakwater or Lee Breakwater in coastal management area – Port*

and any associated:

- (a) occupation of space in the common marine and coastal area;*
- (b) disturbance of the foreshore or seabed;*
- (c) deposition in, on or under the foreshore or seabed; and*
- (d) discharge of sediment*

and does not ~~come within or~~ comply with Rule 35

excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).

51. Retain Rule 39 subject to the deletion of ‘company’ as follows:

Existing lawfully established structure maintenance, repair or alteration where the activity relates to that part of the wharves or breakwaters that is normally above the

*water surface including any attached structures, and relates directly to port ~~company~~
operations and any associated:*

- 52. Retain Rules 40, 42, 44, 45, 46, 48, 49 and 50 as notified.**

27 April 2018

Basil Chamberlain
Chief Executive Officer
Taranaki Regional Council
Private Bag 713
Stratford 4352

Dear Mr Chamberlain

RE: FONTERRA SUBMISSIONS ON THE PROPOSED COASTAL PLAN FOR TARANAKI

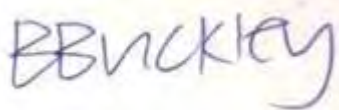
Fonterra Limited (Fonterra) is grateful for the opportunity to lodge a submission on the Proposed Coastal Plan for Taranaki (Proposed Plan).

Fonterra appreciates the time and effort that Taranaki Regional Council has invested in the development of the Proposed Plan, and the constructive way in which Council staff have worked with Fonterra in the development of the Proposed Plan to date. Fonterra looks forward to continuing this constructive and collaborative way of working as the development of the Proposed Plan continues.

Fonterra generally supports the Proposed Plan and the direction it sets for managing, using and protecting the natural and physical resources of Taranaki's coastal environment. The amendments and changes to the Proposed Plan sought by Fonterra are set out in the attached submission. Fonterra considers that the suggested changes in the attached submission will better achieve the sustainable management purpose of the Resource Management Act 1991.

If you have any questions or would like further information, please do not hesitate to contact Brigid Buckley on 027 886 0431 or via email: brigid.buckley@fonterra.com.

Yours sincerely



Brigid Buckley

National Policy and Planning Manager – NZ Milk Products
FONTERRA LIMITED

FONTERRA LIMITED

SUBMISSION ON THE PROPOSED COASTAL PLAN FOR TARANAKI

To: Taranaki Regional Council
Private Bag 713
STRATFORD 4352

via email: coastal@trc.govt.nz

SUBMITTER: FONTERRA LIMITED
Contact: Brigid Buckley

Address for Service: Fonterra Limited
C/- Russell McVeagh
P O Box 8
AUCKLAND 1140

Attention: Rachel Robilliard
T +64 9 367 8059
E rachel.robilliard@russellmcveagh.com

Fonterra wishes to be heard in support of this submission.

I confirm that I am authorised on behalf of Fonterra Limited to make this submission.

1. OVERVIEW OF SUBMISSION

- 1.1. Fonterra Limited (Fonterra) generally supports the Proposed Coastal Plan for Taranaki (Proposed Plan). However, Fonterra considers that amendments are required to ensure that its activities are appropriately recognised and provided for; that the New Zealand Coastal Policy Statement (NZCPS) is given effect to; and that certain matters are clarified to improve the usability of the Proposed Plan.

- 1.2. The structure of this submission is as follows:
- Overview of Fonterra's activities and operations (**Section 2**);
 - Specific submissions on the Proposed Plan (**Section 3**);
 - Overall Conclusion

2. FONTERRA IN THE TARANAKI REGION

- 2.1. Fonterra is a global co-operative dairy nutrition company based in New Zealand. It is owned by approximately 10,600 farming families and it is supported by approximately 20,000 employees around the world.
- 2.2. It is the world's leading milk processor and dairy exporter and, through a "grass to glass" supply chain, delivers high quality dairy ingredients and a portfolio of respected consumer brands to customers and consumers around the world.
- 2.3. Fonterra has four dairy manufacturing sites in Taranaki at Whareroa near Hawera, Kapuni, Collingwood Street and Fonterra Brands New Zealand Bridge Street in Eltham. Taranaki is the home of more than 1,800 Fonterra shareholders and dairy farmers.
- 2.4. The key site affected by the provisions of the Proposed Plan is the Whareroa dairy manufacturing site.

WHAREROA DAIRY MANUFACTURING SITE

- 2.5. Established in 1972, the Whareroa manufacturing site collects up to 14 million litres of milk a day and produces the largest volume of dairy ingredients from a single factory anywhere in the world. The site processes a fifth of Fonterra's dairy production in New Zealand. It makes 428,000 tonnes of milk powder, cheese, cream, protein and lactic casein ingredients every year and employs 1,000 people.
- 2.6. The site holds a number of resource consents issued by Taranaki Regional Council (Council). These include permits to take water, discharge contaminants to air, land and water including the Tasman Sea and erect and maintain structures in a waterbody and the coastal marine area (CMA). These resource consents enable Fonterra to operate five milk powder plants, two cheese plants, one cream plant, one protein plant and one casein plant on the site.
- 2.7. Water for the site comes from the Tawhiti Stream and Tangahoe River and dairy manufacturing wastewater is treated on-site and discharged to the Tasman Sea via a marine outfall. The wastewater discharge infrastructure associated with Fonterra's Whareroa site is also utilised by South Taranaki District Council for the discharge of municipal wastewater from the Hawera township.

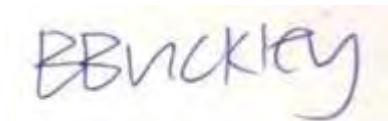
3. SPECIFIC SUBMISSION POINTS

- 3.1. Fonterra's specific submission points are provided in **Attachment A**.
- 3.2. In respect of all of those submission points in **Attachment A**, Fonterra seeks:
- Where specific wording has been proposed, words or provisions to similar effect;
 - All necessary and consequential amendments, including any amendments to the provisions themselves or to other provisions linked to those provisions submitted on, including any necessary changes to the Proposed Plan maps, and including any cross references in other chapters; and
 - All further relief that is considered necessary to give effect to the concerns described above and in **Appendix A** to follow, and any changes required to give effect to the Taranaki Regional Policy Statement.

4. OVERALL CONCLUSION

- 4.1. In relation to the provisions that Fonterra has raised concerns about, those provisions require amendment because without amendment, those provisions:
- will not promote sustainable management of resources and will not achieve the purpose of the RMA;
 - are contrary to Part 2 and other provisions of the RMA;
 - will not enable the social and economic well-being of the community;
 - will not meet the reasonably foreseeable needs of future generations;
 - will not achieve integrated management of the effects of use, development or protection of land and associated resources of the Taranaki region.
 - will not enable the efficient use and development of Fonterra's assets and operations, and of those resources; and
 - do not represent the most appropriate way to achieve the objectives of the Proposed Plan, in terms of section 32 of the RMA.
- 4.2. Fonterra could not gain an advantage in trade competition through this submission.
- 4.3. Fonterra wishes to be heard in support of this submission.
- 4.4. If others are making a similar submission, Fonterra will consider presenting a joint case with them at the hearing.

Dated: 27 April 2018



Brigid Buckley

National Policy and Planning Manager – NZ Milk Products
FONTERRA LIMITED

ATTACHMENT A:

FONTERRA LIMITED'S SUBMISSIONS ON THE PROPOSED COASTAL PLAN FOR TARANAKI

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
SECTION 4 – OBJECTIVES					
1	Objective 1 Integrated Management	17	Support	Fonterra supports Objective 1, which seeks to ensure that the coastal environment is managed in an integrated way.	Retain Objective 1 as notified.
2	Objective 2: Appropriate use and development	17	Support in part	<p>The economic and social wellbeing of Taranaki's communities are reliant on industry, businesses and infrastructure that utilise the coastal marine area. However, of the 12 objectives, only Objective 2 provides for use and development of natural and physical resources, and only in a confined manner. Policy 5 outlines the matters to which regard will be had when determining whether use and development of the coastal environment is appropriate, while Policy 6 provides for activities important to the wellbeing of people and communities, although the content of Policy 6 only refers to infrastructure.</p> <p>It appears that Objective 2 and Policies 5 and 6 are the primary provisions of the Proposed Plan that are intended to give effect to the first two bullet points of Objective 6 of the NZCPS. Objective 6 of the NZCPS and the first two bullet points state:</p> <p><i>To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through</i></p>	<p>Amend Objective 2 as follows:</p> <p>Natural and physical resources of the coastal environment are used efficiently, and activities, <u>including regionally important industry and infrastructure</u>, that depend on the use and development of these resources are provided for in appropriate locations.</p>

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
				<p><i>subdivision, use, and development, recognising that:</i></p> <ul style="list-style-type: none"> • <i>the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;</i> • <i>some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;</i> • ... <p>Fonterra considers that Objective 2, Policy 5 and Policy 6 should be amended to better give effect to the heading and first two bullet points of Objective 6 of the NZCPS.</p> <p>Following recent decisions, such as <i>New Zealand King Salmon</i> and <i>RJ Davison Family Trust</i> and the cases that have followed those decisions, Fonterra considers it critically important to ensure that plans contain provisions that provide for an appropriate balance between enabling people and communities to provide for their economic, social and cultural wellbeing, and appropriate management of adverse effects. Under the above cases, recourse to Part 2 of the RMA in resource consent decision making may be precluded, so it is becoming increasingly important to ensure plans include specific provisions providing for the activities that enable people to provide for their wellbeing.</p>	

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
				<p>If plans are not cast appropriately, including such enabling provisions, future resource consent applications could be declined, preventing business and industry from operating or locating in the coastal environment. This could have significant economic and social consequences for the region and its people. Accordingly, it is appropriate that activities that play an important role in the regional economy are recognised. This includes regionally important infrastructure and regionally important industry, such as the dairy industry.</p> <p>The dairy industry has always had a significant presence in Taranaki. The industry currently employs more than 4,000 people and contributes several hundred million dollars to the regional economy annually.¹ In the South Taranaki district alone, the dairy industry provides over 25% of all jobs,¹ and the Whareroa dairy manufacturing site employs more than 1,000 people. The dairy industry is therefore regionally important for Taranaki.</p> <p>Accordingly, Fonterra seeks an amendment to Objective 2 to provide appropriate recognition for significant infrastructure and industry and to better give effect to the first two bullet points of Objective 6 of the NZCPS.</p>	
3	Objective 3 Reverse sensitivity	17	Support	Fonterra supports the protection of existing lawfully established activities from reverse sensitivity effects.	Retain Objective 3 as notified.

¹ Dairy's role in sustaining New Zealand – the sector's contribution to the economy, NZIER, December 2010.

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
4	Objective 5 Coastal water quality	17	Support in part	Fonterra does not consider that it is technically possible to both maintain and enhance water quality at the same time. Instead, Fonterra proposes an amendment to Objective 5 to direct the circumstances in which water quality should be maintained or enhanced.	Amend Objective 5 as follows: Water quality in the coastal environment is maintained <u>where it is good</u> , and enhanced <u>where it is degraded</u> .
5	Objective 6	17	Support	Fonterra supports Objective 6, which seeks to protect the natural character of the coastal environment from inappropriate use and development.	Retain Objective 6 as notified.
6	Objective 7	17	Support	Fonterra supports Objective 7, which seeks to protect natural features and landscapes of the coastal environment from inappropriate use and development.	Retain Objective 7 as notified.
7	Objective 12 Public use and enjoyment	17	Support in part	Fonterra supports the general intent of Objective 12, which provides for the maintenance and enhancement of public access to, and within, the coastal environment. However, there may be situations where it may be necessary to limit public access, even if only temporarily. For example, in areas where infrastructure such as coastal outfalls are located, allowing public access could result in a risk to public safety. It is therefore appropriate to amend the objective to allow for access to be restricted in some circumstances. This is consistent with Policy 19(3) of the NZCPS. A further amendment is proposed for clarity, as Fonterra does not consider it is possible to maintain and enhance public access at the same time.	Amend Objective 12 as follows: People's use and enjoyment of the coastal environment, including amenity values, traditional practices and public access to and within the coastal environment, is maintained and <u>or</u> enhanced <u>where appropriate</u> .

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
SECTION 5.1 – GENERAL POLICIES					
8	Policy 1 Coastal management areas	20	Support in part	Fonterra supports Policy 1 in part, and seeks an amendment to sub-clause (d) to specifically recognise the presence of infrastructure and activities in the Open Coast that are necessary to enable people and communities to provide for their economic and social wellbeing.	Amend Policy 1 as follows: (d) Open Coast: Areas of the open coast not identified in (a), (b), (c) and (e) of this Policy characteristically: ... <u>(v) may contain infrastructure, structures and activities that enable people and communities to provide for their economic and social wellbeing.</u>
9	Policy 2 Integrated management	21	Support in part	Fonterra generally supports Policy 2, which recognises the importance of managing the region's coastal resources in a way that provides for social, cultural and economic well-being of the community. Fonterra also supports the recognition provided in Policy 2(f) of the functional and locational constraints of nationally and regionally important infrastructure to locate in the coastal environment but considers that the policy should be extended to include regionally significant industry, such as dairy manufacturing. Fonterra considers that it is appropriate to recognise nationally and regionally important industry to the same extent as infrastructure, given the contribution of significant industry to the social and economic wellbeing of the region.	Amend Policy 2(f) as follows: (f) managing natural and physical coastal resources in a manner that has regard to the social, economic and cultural objectives and well-being of the community and the functional and/or location constraints of nationally or regionally important infrastructure <u>and industry</u> ; and
10	Policy 4	21	Support	Fonterra supports Policy 4, which describes the method for determining the inland extent of the coastal environment.	Retain Policy 4 as notified

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
	Extent and characteristics of the coastal environment				
11	Policy 5 Appropriate use and development of the coastal environment	22	Support in part	<p>Fonterra generally supports Policy 5, which provides for the appropriate use and development of the coastal environment.</p> <p>Fonterra supports sub-clause (a), but seeks that activities that have an <i>operational requirement</i> to be located in the coastal environment are also provided for, subject to avoiding, remedying or mitigating adverse effects.</p> <p>Fonterra considers that it is appropriate to provide for structures in the CMA where they have an operational requirement to be located there. For example, a road across an estuary may not be functionally required to locate in the CMA - the road could instead follow the coastline around the estuary edge. There could however be significant time and cost savings to both road users and the road controlling authority as a result of constructing a bridge across the estuary. In such circumstances, the operational requirement to provide an efficient and effective transport route may justify the location of a bridge in the CMA.</p> <p>There are a number of other structures that are located in the CMA for operational reasons, including discharge outfalls, power lines and telecommunication cables. Whilst there may not be a functional need for these structures to be located in the CMA, operational requirements or constraints justify their presence there.</p>	<p>Retain Policy 5 as notified except that:</p> <p>Policy 5(a) should be amended as follows:</p> <p>(a) the functional need <u>or operational requirement</u> of the activity to be located in the coastal marine area. Conversely, activities that do not have a functional need <u>or operational requirement</u> to be located in the coastal marine area generally should not be located there (unless the non-marine related activity complements the intended use and function of the area);</p>

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
				<p>This change will also provide specific policy support for the standard set out in Rule 38(a) of the Plan.</p> <p>Fonterra also seeks that sub-clause (b) of Policy 5 is amended to include specific recognition of the contribution that industries, such as dairy processing, make to the economic and social well-being of the region. The inclusion of dairy manufacturing in Policy 5(b) would appropriately recognise the significance of Fonterra's wastewater discharge infrastructure that is necessary for the operation of the Whareroa manufacturing site.</p> <p>Fonterra supports the specific consideration of best practicable option when assessing the appropriateness of the use and development of the coastal environment in Policy 5(c).</p>	<p>Policy 5(b) should be amended as follows:</p> <p>(b) the benefits to be derived from the activity at a local, regional and national level, including the potential contribution of <u>dairy manufacturing</u>, aquaculture and marine based renewable resources.</p>
12	Policy 6 Activities important to the well-being of people and communities	22	Support in part	<p>Fonterra considers that Policy 6 should be extended to recognise and provide for new and existing industry, such as dairy manufacturing. The wastewater discharge infrastructure associated with Fonterra's Whareroa site is located in the CMA, and utilised by South Taranaki District Council for the discharge of municipal wastewater. It is critical to enabling the social and economic well-being of the local and regional communities. Providing for new, as well as existing, infrastructure and industry would appropriately provide for the expansion or substantial upgrading of necessary infrastructure and industry, while still being subject to appropriate management of adverse environmental effects.</p>	<p>Amend Policy 6 as follows:</p> <p>Recognise and provide for new and existing infrastructure <u>and industry</u> of regional importance or of significance to the social, economic and cultural well-being of people and communities in Taranaki, subject to appropriate management of adverse environmental effects.</p>

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
				This would also give better effect to the first two bullet points of Policy 6 in the NZCPS as discussed in Submission Point 2 .	
13	Policy 7 Impacts on established operations and activities	22	Support in part	Fonterra supports the implied intent in Policy 7, to give effect to Objective 3 and protect existing lawfully established activities from reverse sensitivity effects. However, as drafted, the policy is unclear and requires amendment.	Amend Policy 7 as follows: Avoid, remedy or mitigate the adverse effects <u>reverse sensitivity effects from</u> of new activities, including reverse sensitivity impacts , on existing lawfully established activities.
14	Policy 11 Coastal water quality	23	Support in part	Fonterra does not consider that it is technically possible to maintain and enhance water quality at the same time and therefore suggests an amendment to Policy 11 to better convey the Council's intent. This would ensure Policy 11 is consistent with the relief sought in Submission Point 4 above.	Amend Policy 11 as follows: Maintain <u>coastal water quality where it is good</u> and enhance coastal water quality <u>where it is degraded</u> by avoiding, remedying and mitigating the adverse effects of activities on: ...
15	Policy 14 Indigenous biodiversity	24	Support	Fonterra supports Policy 14, which seeks to avoid significant adverse effects and avoiding, remedying or mitigating other adverse effects on indigenous biodiversity in the coastal environment.	Retain Policy 14 as notified.
16	Policy 17 Public access	26	Support	Fonterra supports Policy 17 which provides for the maintenance and enhancement of public access to the coastal environment. In particular, Fonterra supports sub-clause (c), which recognises that public access to the coastal environment may not be appropriate in some circumstances, including those where there is a risk to public health and safety, a level of security is required to protect equipment or to reduce conflict	Retain Policy 17 as notified.

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
				between activities, particularly where those activities are incompatible.	
17	Policy 18 Amenity values	26	Support	Fonterra supports Policy 18, which seeks to maintain and enhance significant amenity values in the coastal environment.	Retain Policy 18 as notified.
SECTION 5.2 – ACTIVITY-BASED POLICIES					
18	Policy 22 Discharge of water or contaminants to coastal waters	28	Support in part	<p>Fonterra supports Policy 22 but considers three minor amendments are necessary:</p> <p>Fonterra considers that Policy 22(c) as currently drafted does not sufficiently identify the circumstances in which best practicable option should be implemented, and therefore seeks amendment to clarify that it is the treatment and discharge for which the best practicable option is adopted. This amendment would ensure consistency with the definition of best practicable option in the RMA.</p> <p>Fonterra supports recognition of a reduction in adverse environmental effects through a defined programme of works in Policy 22(d), but considers that it is necessary to make reference to the programme of works occurring over an appropriate timeframe, for example, to allow time to take into account the benefits sought to be achieved and the costs associated with those works.</p> <p>Policy 22(e) should be amended to refer to the adverse effects on life supporting capacity within the mixing zone, in order to maintain consistency with Policy 23(1)(e) and (f) of the NZCPS (which Policy 22(e) of the Proposed Plan closely reflects).</p>	<p>Retain Policy 22 as notified except for the following amendments.</p> <p>Amend Policy 22(c) as follows: Adopt the best practicable option for the treatment and discharge to prevent or minimise adverse effects on the environment...</p> <p>Amend Policy 22(d) as follows: be required, where appropriate, to reduce adverse environmental effects through a defined programme of works over an appropriate timeframe set out as a condition of consent for either new resource consents or during a renewal or review process for existing resource consents;</p> <p>Amend Policy 22(e) as follows: use the smallest mixing zone necessary to achieve the required water quality in the receiving environment and minimise as far as practicable the</p>

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
				<p>Fonterra specifically supports Policy 22(f), as it allows for sufficient mixing prior to requiring adverse effects to be avoided, remedied or mitigated.</p>	<p>adverse effects <u>on life supporting capacity</u> within the mixing zone; and</p> <p>Retain Policy 22(f) as notified.</p>
19	Policy 26 Improving existing wastewater discharges	29	Support in part	<p>Fonterra supports Policy 26, which requires the improvement of existing wastewater discharges subject to the implementation of the best practicable option.</p>	Retain Policy 26 as notified.
20	Policy 27 Discharge of stormwater	29	Support in part	<p>Fonterra generally supports Policy 27, which requires the appropriate management of stormwater discharges to the coastal marine area.</p> <p>However, Fonterra considers that the policy should also refer to the implementation of the best practicable option for the treatment and discharge of stormwater into the coastal environment.</p>	<p>Retain Policy 27 as notified subject to the addition of a new subclause (d) as follows:</p> <p><u>(d) the adoption of the best practicable option for the treatment and discharge of stormwater to the coastal marine area to minimise adverse effects.</u></p>
21	Policy 30 Discharges of contaminants to air	30	Support	<p>Fonterra supports Policy 30, in particular the requirement to adopt the best practicable option to prevent or minimise adverse effects on the environment associated with discharges of contaminants to air.</p>	Retain Policy 30 as notified.
22	Policy 32 Placement of structures	30	Support in part	<p>For the reasons discussed in Submission Point 11 above, Fonterra seeks that structures with an operational requirement to be located in the coastal marine area are also provided for in the policy.</p> <p>Fonterra supports subclause (e) and, in particular, the limitations to access where it is not appropriate for safety reasons.</p>	<p>Retain Policy 32 as notified, except for an amendment to subclause (a) as follows:</p> <p>Structures in the coastal marine area:</p> <p>(a) will generally be limited to those that have a functional need <u>or operational requirement</u> to be located in the coastal marine area and that do not</p>

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
					cause duplication of a function for which existing structures or facilities are adequate;
23	Policy 34	31	Oppose in part	Fonterra uses a hard protection structure to protect the discharge outfall for the Whareroa dairy manufacturing site, which is the only practical means of protecting the outfall. Fonterra therefore considers that the first sentence of this policy should be amended to also refer to nationally and regionally important industry.	Amend Policy 34 as follows: Hard protection structures will be discouraged and the use of alternatives promoted, whilst recognising that hard protection structures may be the only practical means to protect existing nationally and regionally important <u>industry and</u> infrastructure.
24	Policy 36 Maintenance, repair, replacement and minor upgrading of existing structures	31	Support	Fonterra supports Policy 36, which enables the maintenance, repair, replacement and minor upgrading of existing lawful structures in the coastal environment subject to the management of adverse effects.	Retain Policy 36 as notified.
SECTION 8.1 – Rules Discharges					
25	Rule 2 Stormwater Discharges Discretionary Activity	48	Support	Fonterra supports the discretionary activity status for stormwater discharges into water or onto land in the coastal marine area.	Retain Rule 2 as notified.
26	Rule 6 Wastewater treatment plant discharges Discretionary activity	50	Support	Fonterra supports the discretionary activity status for wastewater discharges that contain treated sewage into water or onto land in the coastal marine area.	Retain Rule 6 as notified.
27	Rule 13 Other discharges to water and land not provided for in Rules 1 to 12	53	Support	Fonterra supports the discretionary activity status for "other" wastewater discharges into water or onto land in the coastal marine area.	Retain Rule 13 as notified.

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
	Discretionary activity				
28	Rule 17 Other discharges to air not provided for in Rules 15 and 16 Discretionary activity	55	Support	Fonterra supports the discretionary activity status for "other" discharges of contaminants into air from industrial and trade premises in the coastal marine area.	Retain Rule 17 as notified.
29	Rule 33 Other structure erection or placement not provided for in Rules 18 to 32 Discretionary activity	72	Support	Fonterra supports the discretionary activity status for erection or placement of "other" structures not provided in Rules 18 to 32.	Retain Rule 33 as notified.
30	Rule 35 Structure maintenance, repair or minor alteration Permitted activity	73	Support	Fonterra supports the permitted activity status for the maintenance, repair or minor alteration of existing structures in the coastal environment.	Retain Rule 35 as notified.
31	Rule 38 Structure removal and replacement Permitted activity	77	Support	Fonterra supports the permitted activity status for the removal or replacement of structures in the coastal environment. Fonterra particularly supports permitted activity standard (a), which requires that the structure has a functional need or operational requirement to be located in the coastal marine area.	Retain Rule 38 as notified.
32	Rule 42 Other structure repair, alteration, extension or	81	Support	Fonterra supports the discretionary activity status for the repair, alteration, extension, removal or replacement of structures in the coastal	Retain Rule 42 as notified.

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
	removal and replacement that is not provided for in Rules 35 to 41 Discretionary activity			environment that are not provided for in Rules 35 to 41.	
33	Rule 48 Continued occupation Permitted activity	86	Support	Fonterra supports the permitted activity status for the continued occupation of structures in the coastal environment that were lawfully established and were permitted at the time of placement or erection.	Retain Rule 48 as notified.
34	Rule 49 Continued occupation Controlled activity	87	Support	Fonterra supports the controlled activity status for the continued occupation of structures in the coastal environment that were lawfully established and were a controlled activity at the time of placement or erection.	Retain Rule 49 as notified.
35	Rule 50 Other occupation that is not provided for in Rules 47 to 49 Discretionary activity	88	Support	Fonterra supports the discretionary activity status for occupation activities not otherwise provided for.	Retain Rule 50 as notified.
36	Rule 51 Clearance of outfalls, culverts and intake structures Permitted activity	89	Support in part	Fonterra generally supports the permitted activity rule for the clearance of outfalls, culverts and intakes that involves the disturbance of the foreshore and seabed. Fonterra seeks that the timeframe provided for in permitted activity standard (e) is increased to seven days, to recognise that the clearance activity on a large structure may take longer than one day, due to weather (for example), and that these structures	Retain Rule 51 as notified except that standard (e) should be amended as follows: ... (e) activity does not restrict public access for more than <u>seven days 24 hours</u> .

REF	PROVISION	PAGE	SUPPORT / OPPOSE	FONTERRA'S SUBMISSION	RELIEF SOUGHT
				are located in areas where there may be a low level of demand for access.	
37	Rule 60 Other disturbance, damage, destruction, removal or deposition that is not provided for in Rules 51 to 59 Discretionary activity	95	Support	Fonterra supports the discretionary activity status for the disturbance, damage, or destruction of the foreshore and seabed not provided for in Rules 51 to 59.	Retain Rule 60 as notified.
SECTION – DEFINITIONS AND ACRONYMS					
38	Functional need	111	New definition	Fonterra seeks a definition of "functional need" to give effect to the relief sought in Submission Point 11 above.	Functional need means the need for a proposal or activity to traverse, locate or operate in a particular environment because it can only occur in that environment.
39	Operational requirement	114	New definition	Fonterra seeks a definition of "operational requirement" to give effect to the relief sought in Submission Point 11 above	Operational requirement means the requirement for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.
40	Repair	116	Support	Fonterra supports the definition of repair and the clarification that the Proposed Plan authorises both repair and reconstruction.	Retain the definition of Repair as notified.
SECTION – PLAN MAPS					
41	Map 31		Support	Fonterra supports the classification of the coastal marine environment in the vicinity of Whareroa as Open Coast.	Retain the classification of coastal marine environment in the vicinity of Whareroa as notified.



FILE:2018-6/TRC COASTAL PLAN

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Resource Management (Forms, Fees and Procedure) Regulations 2003 Form 5

SUBMISSION ON A NOTIFIED PROPOSED COASTAL PLAN UNDER CLAUSE 6 SCHEDULE 1 OF THE RESOURCE MANAGEMENT ACT 1991

To the Taranaki Regional Council.

This is a Submission by: Public Health Unit, Taranaki District Health Board

1. **Plan:** Proposed Coastal Plan for Taranaki
2. This submitter is not a trade competitor for the purposes of s.308B of the Act.
3. The broad reason for these submissions is to provide objective and independent input to promote the reduction of adverse effects on the health of people and communities pursuant to the New Zealand Public Health and Disability Act 2000 and the Health Act 1956.
4. Public Health Unit, Taranaki District Health Board has statutory obligations for public health within this Region under Crown funding agreements between the Ministry of Health and the Taranaki District Health Board. The Ministry of Health requires public health services to reduce any potential health risks by means including submissions on any Proposed Policy Statements, Plans, including Changes or Variations to Changes thereto concerning matters of public health significance are considered by the local authority. The proposal covers matters with potential health effects on people and communities.
5. The specific parts of the Proposed Coastal Plan for Taranaki to which this Submission relates to are shown in the attached schedule including whether we support oppose or are neutral regarding the specific parts or wish to have them amended, and our reasons are stated.
6. **Standard process track.** The decision we seek from the Council for each submission point is set out in the attached schedule together with precise details. Where we seek amendment to the proposals by stating new words to be inserted into the provisions, or seek amendment to the wording of specific parts, we assert that the scope of our Submissions is intended to also cover words to the like effect in the specific part or elsewhere in the proposal or otherwise in the Policy/Plan, which might be consequentially added or amended.
7. This submitter does not wish to be heard in support of these submissions.

Date 27th day of April 2018.

Signed

Name: Dr Jonathan Jarman,

Bevan Clayton-Smith

a person authorised to sign on behalf of Public Health Unit, Taranaki District Health Board

Address for service

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SCHEDULE OF SUBMISSIONS BY: Public Health Unit, Taranaki District Health Board

1. Submission

Submission relates to this specific part of proposal	2 Statutory and planning framework
<p>Regarding this part, we support this proposal in part.</p> <p>For the following reasons. The Resource Management Act 1991 is rightly the guiding statutory framework for the Taranaki Regional Council Coastal Management Plan. However Section 8 of the Resource Management Act 1991 titled “Treaty of Waitangi” states:</p> <p><i>“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).”</i></p> <p>For this reason the Public Health Unit believes that Te Tiriti o Waitangi should be expressly outlined in the aforementioned section of the plan</p>	
<p>The recommendation/decision sought is amend this provision as follows:</p> <p>Include a section on the principles of Te Tiriti o Waitangi and how these principles guide the work undertaken in this area</p>	

2. Submission

Submission relates to this specific parts of proposal	<p>Specific objectives:</p> <ul style="list-style-type: none"> Objective 5 Objective 9 Objective 10 Objective 12 Objective 13
<p>Regarding this part, we support this proposal.</p> <p>For the following reasons. The Taranaki Public Health Unit specifically supports the above objectives as they align with the purpose of the Resource Management Act 1991 whilst also putting emphasis Te Tiriti o Waitangi as a guiding document in the management of the Taranaki coastal environment</p>	
<p>The recommendation/decision sought is to retain these provisions.</p>	

3. Submission

Submission relates to this specific parts of proposal	<p>Specific policies:</p> <ul style="list-style-type: none"> Policy 5: Appropriate use and development of the coastal environment Policy 11: Coastal water quality Policy 20: Avoidance of increasing coastal hazard or public safety risks Policy 23: Discharge of untreated human sewage Policy 24: Discharge of treated wastewater containing human sewage Policy 25: New Discharges of wastewater containing human sewage
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	Policy 26: Improving existing wastewater discharges Policy 27: Discharge of stormwater
<p>Regarding the above specified parts, we support this proposal.</p> <p>For the following reasons.</p> <p>The Public Health Unit believes that the above policies meet the purpose of the Resource Management Act 1991 (section 5) and also meet the Health Act 1956 requirement to protect the health of the public.</p>	
<p>The recommendation/decision sought is to retain this provision.</p>	

4. Submission

Submission relates to this specific part of proposal	Policy 2: Integrated Management
<p>Regarding this part, we support this proposal in part.</p> <p>For the following reasons. Ultimately we support this policy however we believe there should be provision to work collaboratively with DHBs specifically highlighted in paragraph (g).</p>	
<p>The recommendation/decision sought is to amend this provision as follows:</p> <p>“(g) working collaboratively with government departments, territorial authorities, district health boards, other agencies, and tangata whenua in accordance with Policy 15”</p>	

5. Submission

Submission relates to this specific part of proposal	Policy 16: Relationship of tangata whenua
<p>Regarding this part, we support this proposal in part with amendment</p> <p>For the following reasons.</p> <p>We support this policy statements however we have the following suggestions that will enhance the relationship of tangata whenua.</p> <ul style="list-style-type: none"> - There should be a provision for TRC to work in partnership with tangata whenua whilst acknowledging holistic views of the environment. <p>Given the importance of the relationship of tangata whenua we also suggest that this policy has a place higher in the document to indicate the importance of this relationship</p>	
<p>The recommendation/decision sought is to retain this provision with the suggested amendment:</p> <p>“Policy 16: Relationship of tangata whenua</p> <p>Recognise and provide for the relationship of tangata whenua culture, values and traditions with the coastal environment and take into account the principles of the Treaty of Waitangi, and kaitiakitanga. The Taranaki Regional Council will provide opportunities for working in partnership with tangata whenua to actively participate in the resource management process where decisions are being made on issues of significance to tangata whenua by:</p> <ul style="list-style-type: none"> a.) Encouraging the use of relevant iwi planning document...” 	

6. Submission

Submission relates to this specific part of proposal	Policy 17: Public access
<p>Regarding this part, we support this proposal.</p> <p>For the following reasons. We support these policy provisions as way of enhancing equitable access to the Taranaki coastal environment.</p>	
<p>The recommendation/decision sought is to retain this provision.</p>	

7. Submission

Submission relates to this specific part of proposal	Policy 22: Discharge of water or contaminants to coastal waters
<p>Regarding this part, we support this proposal in part.</p> <p>For the following reasons. The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—</p> <ul style="list-style-type: none"> (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment. <p>This proposed policy meets the purpose of the Resource Management Act 1991 and also works to protect the public health of the users of the coastal environment. However the use of “will” at the beginning of the policy does not put emphasis on the need to comply with the provision and the use of “must” is more legally robust.</p>	
<p>The recommendation/decision sought is to retain this provision with the suggested amendment: “Policy 22: Discharge of water or contaminants to coastal waters Discharges of water or contaminants to water in the coastal marine area must:...”</p>	

8. Submission

Submission relates to this specific part of proposal	5.2.6 Noise Policy 49: Noise and vibration
<p>Regarding this part, we support this proposal.</p> <p>For the following reasons. The words, “managed to minimise adverse environmental effects” summarise the statutory functions of a Regional Council under s.30(1)(d) (vi) of the RMA.</p>	
<p>The recommendation/decision sought is to retain this provision.</p>	

9. Submission

Submission relates to this specific part of proposal	6.8 Coastal water and air quality
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<p>Regarding this part, we support this proposal in part.</p> <p>For the following reasons. The Public Health Unit supports the provisions 43 – 48 as reasonable methods to implement the objectives and policies of the coastal plan. We specifically support the following provision:</p> <p>“Notify the Medical Officer of Health for Taranaki and the relevant territorial authority if water quality shows that coastal water is unfit for contact recreation or gathering of shellfish for human consumption”</p> <p>However we believe there should also be an emphasis on the investigation of the cause of the poor water quality. A provision for this aligns with the purpose of the Resource Management Act 1991 to sustainably manage and safeguard natural resources.</p>
<p>The recommendation/decision sought is to amend this provision as follows:</p> <p>“Notify the Medical Officer of Health for Taranaki and the relevant territorial authority if water quality shows that coastal water is unfit for contact recreation or gathering of shellfish for human consumption. The TRC will also conduct an investigation to determine the cause of the poor water quality if it is practicable”</p>

10. Submission

Submission relates to this specific part of proposal	6 Methods of implementation, 6.10
<p>Regarding this part, we wish amendment to this part.</p> <p>For the following reasons. Consideration of “general standards” covers the matters under section 8.6.3 Noise, and is relevant to sub-clause a) “considering applications for coastal permits.” It is incorrect as a matter of law for the purposes of sub-clause b) “determining whether noise levels are excessive for the purpose of enforcement action under Part 12 of the RMA.</p> <p>If the intent is to make provision for what the Act defines as “Excessive noise,” there is no provision for an enforcement officer or a constable acting upon the request of an enforcement officer, to consider a New Zealand standard when forming an opinion after investigation of a complaint that a noise is excessive. Such a measure would be ultra vires s.326 of the Act unless, in the unlikely event the noise was subject to a National Environmental Standard, (currently limited to Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016, and with effect from 1 May 2018, Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.) An additional clause should address excessive noise. The other provisions should refer to “unreasonable” noise.</p> <p>If the intention is make provision for noise control under other parts of Part 12 of the Act, i.e. declarations, enforcement orders, interim enforcement orders or abatement notices, then the term “excessive noise” with its defined statutory meaning must not be used as the only statutory provision for “excessive noise” is under s. 326-328 of the Act. The term “noise levels” is inconsistent with the assessment standards referenced in the plan and should not be used.</p>	
<p>The recommendation/decision sought is to amend this provision as follows:</p> <ul style="list-style-type: none"> A. At 51. b) replace “determining whether noise levels are excessive with, “determining whether noise is unreasonable”. B. Add a new paragraph after 51 b) (but not as a sub-clause of b), the following note; “Note “excessive noise” is subject to special provisions of the RMA under sections 326-328 of the Act. Council enforcement officers may exercise powers to investigate complaints that noise is excessive and take appropriate actions under s.327 of the Act.” 	

11. Submission

Submission relates to this specific part of proposal	8.1 Discharges. Rule 1
<p>Regarding this part, we support this proposal in part.</p> <p>For the following reasons.</p> <p>Activity: Stormwater discharge into water or onto land in the coastal marine area that either:</p> <ul style="list-style-type: none"> a.) Does not convey stormwater from and industrial or trade premises; or b.) Conveys stormwater from industrial or trade premises that: <ul style="list-style-type: none"> i.) cover a total area of 2 ha or less; and ii.) do not use or store hazardous substances <p>these activities are permitted if:</p> <ul style="list-style-type: none"> h.) the discharge will not adversely affect the suitability of the receiving water for bathing after reasonable mixing i.) the discharge does not render marine organisms unsuitable for human consumption within recognised mātaimai reefs/resources <p>The Public Health Unit supports this rule provided it has the flexibility for recognised mātaimai reefs/resources to be added to the schedule if the regional council is made aware of previously unknown sites of significance for kaimoana collection.</p>	
<p>The recommendation/decision sought is to retain these provisions.</p>	

12. Submission

Submission relates to this specific part of proposal	8.1 Discharges. Rule 5
<p>Regarding this part, we support this proposal.</p> <p>For the following reasons. Regional councils have the responsibility to prepare, implement and administer regional policy statements and plans to control discharges of contaminants into/onto land, air or water to give effect to the Resource Management Act 1991. The proposed rule applies appropriate risk management to protect the coastal environment from contamination by biological contaminants.</p>	
<p>The recommendation/decision sought is to retain this provision.</p>	

13. Submission

Submission relates to this specific part of proposal	8.6 General standards, 8.6.3 Noise (a) Port activities
<p>Regarding this part, we support this proposal.</p> <p>For the following reasons. Makes appropriate provision in accordance with the relevant new Zealand standard, i.e. NZS 6809:1999, for management of potential port noise for the reasonable protection of people and communities, and implementation of land use controls in close proximity to the port to avoid mitigate and reduce the number of people exposed to port noise so as to have particular regard to the efficient use and development of the physical resources of the region e.g. a port and to promote their sustainable management. Supports the use of defined port noise control boundaries, the assessment location, numerical noise limits, noise metrics, time frames for application, and how noise shall be measured and assessed.</p>	

The recommendation/decision sought is to retain this provision.

14. Submission

Submission relates to this specific part of proposal	8.6 General standards, 8.6.3 Noise, (b) Construction, maintenance or demolition activities
<p>Regarding this part, we support this proposal.</p> <p>For the following reasons. Makes appropriate provision in accordance with the relevant New Zealand standard, is NZS 6803:1999 for management of construction noise for the reasonable protection of people and communities, while allowing for construction activities necessary for the sustainable management of the region’s physical resources.</p>	
<p>The recommendation/decision sought is to retain this provision.</p>	

15.

Submission relates to this specific part of proposal	8.6 General standards, 8.6.3 Noise, (c) Temporary military training
<p>Regarding this part, we support this proposal in part</p> <p>For the following reasons. Supported in part as generally reasonable for the purpose but known to not be in accordance with the needs of NZ Defence Force as expressed in other parts of New Zealand.</p>	
<p>The recommendation/decision sought is to retain this provision.</p>	

16. Submission

Submission relates to this specific part of proposal	8.6 General standards, 8.6.3 Noise, (d) All other activities
<p>Regarding this part, we support this proposal in part.</p> <p>For the following reasons. Supported generally but with the observation that night time noise limits may be unrealistically stringent at the CMA boundary. Also, the words “beyond the boundary of” can have application within the CMA making the rule a nonsense. This should be amended using a similar drafting form as used in Rule 8.6.3 (a). It should be noted that there will be no rule setting noise limits that apply between activities within the CMA. This appears to be a topic in the s.32 analysis and is the subject to Policy 49: ‘Noise and vibration,’ but not actually given effect to by any rules. It should be noted also that the public health unit is unconcerned about noise effects between activities within the CMA being solely concerned with the potential effects of noise on people and communities outside the CMA.</p>	
<p>The recommendation/decision sought is to amend this provision as follows: Replace “at any point at or beyond the boundary” with “at any point landward of the boundary.”</p>	

17. Submission

Submission relates to this specific part of proposal	Schedule 9 – Documents incorporated by reference
<p>Regarding this part, we support this proposal in part with amendment</p> <p>For the following reasons. There are New Zealand standards referenced in the Proposed Plan which should be cited in Appendix 9 along with some necessary notes. (A reference to any New Zealand</p>	

Standard made under the Standards Act 1988, or the Standards Act 1965 is deemed to be a reference to a New Zealand Standard pursuant to s.31 of the Standards and Accreditation Act 2015.

The recommendation/decision sought is to amend this provision as follows:

A. Add to first line of Schedule 9

“Note that New Zealand Standards listed below are subject to copyright and are not available to be viewed on-line and may be inspected by appointment at our customer service centre.”

B. Add after the heading and content “Discharges from seismic surveying (Rule 11), a new heading

“Noise standards (Rules 6.10, 8.6.3)

NZS 6801:2008 Acoustics – Measurement of Environmental Sound

NZS 6802:2008 Acoustics – Environmental Noise

NZS 6803:1999 Acoustics – Construction noise

NZS 6809:1999 Acoustics – Port Noise and Land Use Planning”

Your name

Cam Twigley

Organisation (if applicable)**Address**

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Could you gain an advantage in trade competition through this submission?

No

Do you wish to be heard in support of your application?

Yes

Your submission on the Proposed Plan

1. It is great that the Council has finally reviewed the Coastal Plan given the current plan was made operative in 1997 and the Council has a duty to review the Plan every 10 years. The review is long overdue.
2. I support the creation of the Significant Surfing Area and its extent which encompasses many of the best surf breaks on the coast.
3. Policy 10. I seek that this policy also includes the restoration and rehabilitation of natural character within the Significant Surfing Area. There is an opportunity to make the Significant Surfing Area a special area for the region through the restoration and rehabilitation of natural character and the facilitation of public access.
4. I support Policy 19(a) which provides for a very high level of protection for nationally significant surf breaks and surf breaks within the Significant Surfing Area through the duty to avoid adverse effects on these breaks. In Policy 19d I seek that the word significant as it relates to adverse effects is removed as this word brings the policy into conflict with the requirements under Policy 19(a).
5. Section 6 Implementation. I seek that under 6.1 (2) and (3) that the commentary on economic instruments and works and services also references the significant surfing area not just surf breaks, recognising the holistic nature of the surfing experience.

Your comment on documents incorporated by reference in the Proposed Plan, as detailed in Schedule 9 (comment optional)

Document/file 1

Document/file 2

Document/file 3

Document/file 4

27 April 2018

Taranaki Regional Council

By Email: info@trc.govt.nz

Tēnā koutou katoa,

**SUBMISSION TO THE TARANAKI REGIONAL COUNCIL'S REGIONAL COASTAL PLAN BY
TE KĀHUI O TARANAKI TRUST**

Background

1. Te Kāhui o Taranaki Trust ("Taranaki Iwi") is the representative body for Taranaki Iwi and welcomes the opportunity to make this initial submission with regard to the Taranaki Regional Council ("TRC") Proposed Coastal Plan ("Coastal Plan").
2. Taranaki Iwi have been actively involved in the development of the Coastal Plan to date and despite our earlier submission of 18 November 2016 (*Appendix 1*) seeking further time, Taranaki Iwi have expended a great amount of resource, have made the most of the short time available and engaged robustly to this point. In general, Taranaki Iwi are supportive of the purpose of the Coastal Plan and the potential recognition and protection it provides. We do however have brief points of submission to address which we wish to be heard on at a later date.
3. The Coastal Plan sets out and maps where appropriate our rohe/area of interest, Māori cultural values and sites of significance. We note that the hapū and marae/pā within the Taranaki Iwi rohe are autonomous, independent and self-governing and have the right to represent their own views on the Coastal Plan. Taranaki Iwi have liaised and worked with our hapū and marae/pā in the time available and support their subsequent submissions to the Coastal Plan.

4. Taranaki Iwi supports the submissions of Te Kotahitanga o Te Atiawa, Te Korowai o Ngāruahine and Te Rūnanga o Ngāti Mutunga.



General Matters

5. On 18 November 2016, Taranaki Iwi and Te Kotahitanga o Te Atiawa provided a submission to TRC on their process of consultation for the Draft Coastal Plan for Taranaki. Both Iwi requested that the TRC adopt an engagement model to provide iwi and hapū the opportunity to review and feedback on the Draft Coastal Plan for Taranaki. The TRC did not alter its engagement model irrespective of the Resource Management Act (“RMA”) amendments enforced on 19 April 2017. This has placed a huge constraint on time, resources and the fair and due consideration of matters by Taranaki Iwi and our hapū, marae/pā, whānau and uri.
6. Taranaki Iwi and Te Atiawa require sufficient affected party status in order for this Coastal Plan to give full effect to our rights as Treaty of Waitangi partners and tangata whenua. On 12 October 2017, a meeting was held between the TRC officials and representatives from Taranaki, Te Atiawa and Ngāti Mutunga. Council advised that iwi would be notified as an affected party to any activities occurring within, adjacent to, or impacting directly on sites of cultural significance in the coastal marine area. A subsequent letter received on 30 October 2017 (*Appendix 2*) was contrary to TRC’s advice, in that iwi will not be automatically notified as an affected party and instead it would remain the TRC’s determination as to whether or not iwi is an affected party for activities that adversely affect these sites. Therefore Taranaki Iwi require that all Iwi (hapū, marae/pā) are notified as an affected party to any activities occurring within, adjacent to, or impacting directly on Statutory Acknowledgements (as recognised in all relevant Iwi settlement legislation) and historic heritage sites and sites of significance to Māori within the coastal marine area.
7. In the context of this Coastal Plan, Taranaki Iwi supports Te Atiawa’s submission of 6 April 2018 on TRC’s 2018/2028 Long Term Plan in full.

Specific Matters

8. In our earlier submission to TRC of 18 November 2016 (*Appendix 1*) Taranaki Iwi stated concerns regarding the designation of surf breaks in the Coastal Plan. We submitted as follows:
 1. *Firstly, there has been no consultation on whether there should even be a designation for Nationally Significant Surfing Areas in the Taranaki Iwi rohe. This should be the first issue consulted on and decided prior to the creation of an area with such status. Taranaki Iwi have only just settled with the Crown and are finally in a better position to receive recognition for and awareness of our own significant areas. In the past it has been very difficult to actively protect our rohe where local government planning processes don’t recognise our areas. Further, our Marae/Pā/Hapū and whānau have been kaitiaki of the relevant areas for generations so an extension of these rights and responsibilities to others for other purposes must be consulted on. We would therefore insist on better consultation on what this status means and how recreational values are going to impact on cultural values.*

2. *Secondly, there has been insufficient consultation on the 23 surf breaks included in the Coastal Plan. After addressing the issue of whether the status should exist Taranaki Iwi should be consulted on what surf breaks should be included if any. There may be some that should simply not be included due to existing cultural values. Taranaki Iwi have not been involved in this process, we have been told and then expected to provide feedback which puts us at a disadvantage.*
 3. *Our Marae/Pā and Hapū are very concerned about this part of the Coastal Plan and without proper involvement it is difficult for Taranaki Iwi to support it at this point. We are hopeful that through the Engagement Process solutions can be worked through together.*
9. TRC have not responded to our earlier submission which we bring forward and repeat for the purposes of this Coastal Plan. Taranaki Iwi have gone to the effort and time of identifying and mapping sites and providing the names for those sites. The inclusion of nationally and or regionally significant surf breaks in this Coastal Plan have not been consulted on and have been included regardless. Many of the names of the surf breaks are offensive and inappropriate eg. Punihos, Fin Whaka which many Māori surfers refer to correctly to as Ikaroa. We require the following:
 - a. To go through a proper process of consultation on the surf break designation;
 - b. For the surf break names marked blue (and archaeological site names marked orange) to be removed from the Maps and given a number and scheduling system identical to the mapped Taranaki Iwi sites of significance;
 - c. For the surf breaks to be specific in terms of location like the Taranaki Iwi sites of significance.
 - d. The removal of clause 6.6 (32) of the Coastal Plan which is premature. Taranaki Iwi will not support a working group to look at recreational values without addressing points 9 (a)-(c) first.
 10. We refer to Section 2 Statutory and Planning Framework and require that 2.6 be added to include Iwi Environmental Management Plans. Under the RMA (sections 61, 66, and 74) local authorities must take into account Iwi planning documents that are endorsed by Iwi authorities when preparing or altering regional policy statements, regional plans and district plans. *Taiao, Taiora* is the Iwi environmental management plan of Taranaki Iwi. It has been endorsed by Te Kāhui o Taranaki and our marae/pā and hapū.
 11. We refer to Section 5 – Policies and we require the following amendments,

Policy 2(a):	implementing policies under section 5.1 of the Plan in managing the effects of activities (positive and negative <u>adverse</u>) undertaken in the coastal marine area on significant values and characteristics of the wider coastal environment;
Policy 3:	Adopt a precautionary approach, which may include using an adaptive management approach, where the effects of any activity on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.
Policy 5(j)(iii):	the efficacy of measures to avoid, remedy or mitigate such effects, or provide environmental compensation where effects cannot be <u>avoided</u> , remedied or mitigated.

12. We submit that at the following paragraphs of the Coastal Plan the words “where Māori cultural values are not adversely impacted on.” are added,
- 6.3, 12
 - 6.6, 32
 - 6.8,43
13. We submit that at the following sections of the Coastal Plan the words “The [activity eg. discharge/structure] does not adversely impact on Māori cultural values.” are added,
- 8.1, Discharges, Standard Terms/Conditions insert new paragraph as above
 - 8.2 Structures and Occupation, Standard Terms/Conditions insert new paragraph as above
 - 8.3 Disturbance, deposition and extraction, Standard Terms/Conditions insert new paragraph as above
 - 8.4 Reclamation or Drainage, Standard Terms/Conditions insert new paragraph as above
 - 8.5 Taking or Use, Standard Terms/Conditions insert new paragraph as above
14. We support Section 10 of the Plan and require the further addition at of a new paragraph 9 as follows, “Development of a mātauranga Te Ao Māori monitoring system in partnership with Iwi.” And a further paragraph 10 as follows, “Annual review in partnership with Iwi of the effectiveness of a co-designed and resourced Memorandum of Understanding, Mana Whakahono a Rohe Agreement and policy and consent processes.”

Adequate time to respond - Further Submissions

15. Further to the matter addressed at paragraph 5 of this submission. TRC have not not taken Iwi concerns into account and in particular the issue of due time and consideration to engage in and review the Coastal Plan. TRC have not provided Iwi and its constituent marae/pā and hapū with adequate time to review, analyse and seek advice on the Coastal Plan we therefore seek a further opportunity to submit particularly in relation to the Rules which, are of legal, cultural, political and not in the least environmental significance to the aspirations of tangata whenua.
16. Taranaki Iwi spent 2017 developing Taiao Taiora our Iwi Environmental Management Plan and have had little time to transition since settlement date 23 February 2018. We have responded in good faith to this Coastal Plan process and numerous other regional and national environmental plans and policies in the last year. We do not wish to raise the matter of inadequate consultation at the hearing process as working relationships with TRC are effective and highly valued, however our responsibility to uphold and support the kaitiaki role of our marae/pā and hapū is greater and we will continue to actively protect our interests.

Final Statement



17. Taranaki Iwi marae/pā, hapū and whānau exercise mana whenua and mana moana within the Taranaki rohe and have been kaitiaki of the whenua and moana within the Taranaki rohe for generations. As kaitiaki we have inherent responsibilities to preserve and protect our whenua, moana and taonga. The role of Te Kāhui o Taranaki is to support the autonomous, independent and self-governing role of marae/pā and hapū.
18. Taranaki Iwi are supportive of the purpose of the Coastal Plan and the potential recognition and protection it provides. We look forward to working with TRC further.

Noho ora mai

TE KĀHUI O TARANAKI

Wharehoka Wano / Puna Wano-Bryant

Tumu Whakarito - CEO / Pou Taiao - Iwi Environmental Manager

Mob: (021) 244 5858 | E-mail: puna@taranaki.iwi.nz



18 November 2016

Chris Spurdle
Planning Manager
Taranaki Regional Council
Via electronic submission
Via email: chris.spurdle@trc.govt.nz

Copy sent to: Nicolette West, Policy Analyst, Nicolette.West@trc.govt.nz
Sam Tamarapa, Iwi Communications Officer, Sam.Tamarapa@trc.govt.nz

Tena koutou katoa,

Re: Taranaki Regional Council – Draft Coastal Plan

1. Te Kāhui o Taranaki Trust ("Taranaki Iwi") is the representative body for Taranaki Iwi and welcomes the opportunity to make this initial submission with regard to the Taranaki Regional Council ("TRC") Draft Coastal Plan ("Coastal Plan").
2. We refer to our joint letter with Te Atiawa dated today's date. It is noted that this is an initial submission and that further engagement with TRC will take place in between now and mid 2017 before the Coastal Plan is publicly notified. We refer in particular to TRC's commitment to engage directly with Taranaki Iwi, Te Atiawa and their Marae/Pā and Hapū. We support the Terms of Reference that are currently being developed as these will set the parameters for engagement on the Coastal Plan and we look forward to meeting together with TRC and our Marae/Pā and Hapū prior to Christmas 2016.
3. The purpose of this initial submission is to set out the following:
 - A. Ngā Kooreo o Taranaki Iwi - Who we are and our Taranaki Iwi rohe/area of interest.
 - B. Ngā Whainga - Expectations from the engagement process with TRC and Taranaki Iwi ("Engagement Process") to follow.
 - C. Ngā Rohenga Eke Ngaru - Nationally Significant Surfing Areas.

A. NGĀ KOORERO O TARANAKI IWI

4. Taranaki Iwi have since time immemorial occupied the lands which extend along the coastal and mountain area between Ōuri and the Rāwa o Turi stream in the south and Ōnukutaipari, Paritūtū in the north. The extent of Taranaki Iwi interests also stretched inland to Te Whakangerengere on the north eastern flank of the mountain, up the Waipuku stream to Te Tahuna o Tūtawa (Warwicks Castle), over to Panitahi (Fanthoms Peak) and down to Manga o Raukawa (Lake Dive) and the source of the Ōuri stream. Following the Ōuri stream water course down, a deviation is then made to the headwaters of the Rāwa o Turi stream to the boundary stone of Matirawhati at its mouth, an agreement forged between Ngāti Haua, Ngāti Atua, Ngāti Tamaahuroa and Tītahi.

*'Ko Onukutaipari te pikitanga ki te pou o Okurukuru
Okurukuru ki Te Whakangerengere
Te Whakangerengere ki Te Tahuna o Tūtawa
Te Tahuna o Tūtawa ki Panitahi
Panitahi ki Ouri
Ouri ki Rāwa o Turi
ki te pou o Matirawhati'*

*'Onukutaipari is the ascent to the pole of Okurukuru
from Okurukuru to Te Whakangerengere
from Te Whakangerengere to Te Tahuna o Tūtawa
from Te Tahuna o Tūtawa to Panitahi
from Panitahi to the waters of Ouri
from Ouri to Rāwa o Turi
to the pillar of Matirawhati'*

5. Taranaki Iwi territory thus formed the segment of a circle dominated by the mountain from which the tribe takes its name. It is more mountainous than any other part of the Taranaki coast, for within it is Mount Taranaki, 8,260 feet, the Pouakai Ranges, 4,590 feet, and the Patuha Ranges, 2,240 feet. Taranaki also have a relationship with the Ngāmotu outer islands and have shared ownership with Te Atiawa. A map showing the Taranaki Iwi rohe is attached here ("**Taranaki Iwi Rohe Map**")
6. The people of Taranaki Iwi exercise mana whenua (customary land interests) and mana moana (customary marine interests) within the Taranaki Iwi rohe and have been kaitiaki (guardians) of the whenua (land) and moana (ocean) within the Taranaki rohe for generations. As kaitiaki we have inherent responsibilities to preserve and protect our whenua, moana and taonga (things of value to Taranaki Iwi). This relationship continues to this day and will continue for generations to come.

7. The Taranaki Iwi coastline including the coastal marine landward boundary and coastal marine area boundary (out to 12 nautical miles) is attached here ("**Taranaki Iwi Coastline Map**").
8. Prior to the arrival of tauīwi to Aotearoa, Taranaki Iwi was an autonomous, independent and self-governing confederation of hapū. Some of these hapu included:
9. Ngāti Tairi, Potikitaua, Ngā Mahanga, Ngā Mahanga a Tairi, Patukal, Upokomutu, Waiotama, Puketoretore, Ngāti Tuhekerangi, Ngāti Tara, Ngāti Rongo, Ngāti Haumia, Tītahi, Ngāti Tamaahuroa, Ngāti Tamakumu, Ngāti Haupoto, Ngāti Rangikotuku, Ngāti Moeahu, Ngāti Kahumate, Ngāti Atua, Ngāti Tamarongo, Ngai Wetenga.
10. As Taranaki Iwi we have exercised tino rangatiratanga over our traditional rohe through many of these hapū. Many of these hapū still form distinct functioning communities and largely maintain their identity within certain families and Marae/Pā in our rohe. Current Taranaki Iwi Marae/Pā are Okorotua/Oākura, Tarawainuku/Puniho, Parihaka (Te Niho o Te Atiawa, Toroanui, Te Paepae o te Raukura), Te Pōtaka and Orimupiko. Marae and Pā leaders will be represented throughout the Engagement Process.

B. NGĀ WHAINGA

11. The Engagement Process which will occur from now until public notification of the Coastal Plan will involve Taranaki Iwi Marae/Pā and Hapū. We support the Terms of Reference that is currently being developed as this will set the parameters for engagement on the Coastal Plan and we look forward to meeting together with TRC and our Marae/Pā and Hapū prior to Christmas 2016.
12. As a precursor to the Engagement Process we will be seeking identification and inclusion of the following:
 - A. Protected customary rights and customary marine title applied for by Taranaki Iwi under the Marine and Coastal Area (Takutai Moana) Act 2011. As TRC will be aware Iwi have until April 2017 to file applications under this legislation and we wish to ensure that the work conducted through this process is recognised.
 - B. Awa/Rivers, streams and tributaries including marginal strips; all Cultural Redress Properties (and land within an agreed distance of the same) contained in the Taranaki Iwi Claims Settlement Bill which is expected to be passed as a formal statute by the end of 2016.
 - C. Statutory areas need to be adequately recognised alongside the unique role that Iwi/hapū play as kaitiaki in protecting these areas. This includes ensuring adequate

protection is afforded to Statutory Acknowledgment and Cultural Redress areas from the earliest stage of any Coastal Plan development.

- D. Tauranga waka, mātaītai, reefs, fishing grounds, coastal reserves, coastal papakāinga, coastal urupā (and land within an agreed distance of the same). Supported by maps that both identify and outline the location of these important areas.
- E. Sites of significance to Taranaki Iwi within the Coastal Marine Area that are formally registered with Heritage New Zealand as archaeological sites.
- F. Taranaki Iwi values, tikanga and koorero in respect of the Coastal Marine Area.

C. NGĀ ROHENGĀ EKE NGARU

13. Taranaki Iwi and its constituent Marae/Pā and hapū wish to engage further on this designation. We wish at the outset to make two main points:
14. Firstly, there has been no consultation on whether there should even be a designation for Nationally Significant Surfing Areas in the Taranaki Iwi rohe. This should be the first issue consulted on and decided prior to the creation of an area with such status. Taranaki Iwi have only just settled with the Crown and are finally in a better position to receive recognition for and awareness of our own significant areas. In the past it has been very difficult to actively protect our rohe where local government planning processes don't recognise our areas. Further, our Marae/Pā/Hapū and whānau have been kaitiaki of the relevant areas for generations so an extension of these rights and responsibilities to others for other purposes must be consulted on. We would therefore insist on better consultation on what this status means and how recreational values are going to impact on cultural values.
15. Secondly, there has been insufficient consultation on the 23 surf breaks included in the Coastal Plan. After addressing the issue of whether the status should exist Taranaki Iwi should be consulted on what surf breaks should be included if any. There may be some that should simply not be included due to existing cultural values. Taranaki Iwi have not been involved in this process, we have been told and then expected to provide feedback which puts us at a disadvantage.
16. Our Marae/Pā and Hapū are very concerned about this part of the Coastal Plan and without proper involvement it is difficult for Taranaki Iwi to support it at this point. We are hopeful that through the Engagement Process solutions can be worked through together.
17. Taranaki Iwi Marae/Pā, Hapū and whānau will want to present their own submissions on the Coastal Plan which they are entitled to do.

18. Thank you for your consideration of this submission and again, we look forward to meeting together with Council and our Marae/Pā/Hapū prior to Christmas 2016 regarding the engagement framework from this point on.

Noho ora mai,



Wharehoka Wano
Tumuwhakarito /General Manager
Te Kāhui o Taranaki Iwi

30 October 2017
Document: 1954066

Wharehoka Wano
Te Kahui o Taranaki Iwi Trust
P O Box 929
New Plymouth 4340

Tena koe Wharehoka,

Iwi sites of cultural significance in the coastal marine area and affected party decisions under the RMA

Following discussions on 12 October with your representatives Taranaki Regional Council senior staff have met to discuss how the Council can deliver and 'operationalise' more effective iwi involvement in the consent process within the coastal marine area. This letter, which will be sent to the chair of each iwi represented at the discussion, sets out the Council's position which was positively received by your staff.

The coastal sites of significance data supplied to the Council will need to be assessed in terms of the Resource Management Act, particularly section 6 (e), and discrete site dimensions established, much in the way New Plymouth District Council did for sites in their district plan. The sites can then either be included in a schedule to the Plan or kept in 'silent' (confidential) files at the Council depending upon iwi preference. Either way the site data will be used to determine affected party decisions for coastal consent applications. Iwi will be an affected party for activities adversely affecting these sites. There is still detailed work required to assess the data supplied and establish affected party definitions, systems and processes, and applicant consultation requirements, but the core of an agreement has been reached.

The Mana Whakahono a Rohe provision of the Resource Management Act could be an appropriate framework in which to establish such systems and processes, subject to Councils and iwi reaching agreement.

As noted at the meeting the revised Coastal Plan will give a high level of protection to sites of significance. However, the effectiveness of any new Plan will rely on people knowing the location of these sites.

The Council trusts Te Kahui o Taranaki Iwi Trust and the Council are now able to move forward together in a new direction and in a manner that delivers much more effective and efficient iwi involvement in the coastal consent process.

Nāku noa nā.

BG Chamberlain
Chief Executive



per: A D McLay
Director - Resource Management

To: Basil Chamberlain

Chief Executive, Taranaki Regional Council

E: coastal@trc.govt.nz

Taranaki Regional Council proposed Coastal Plan

Submission by Taranaki Energy Watch Incorporated

27 April 2018

Contact: Sarah Roberts

E: taranakienergywatch@gmail.com

Introduction

1. Taranaki Energy Watch (TEW) is a grass roots community group which acts as a watchdog for the energy industry in Taranaki, this primarily means being a watchdog for the effects of oil and gas. TEW support communities to protect their health and environment from the effects of oil and gas exploration and production in Taranaki and New Zealand. TEW is an incorporated society.
2. TEW submitted on the Draft Coastal Plan for Taranaki in November 2016. Many of our comments were not addressed and are included in this present submission.
3. TEW will not gain an advantage in trade competition through this submission.
4. TEW wish to be heard in support of this submission.

General themes, issues & relief sought to the Plan as a Whole

5. These submissions address the effects of the oil and gas industry within the coastal marine area of Taranaki.

Adverse effects on the Environment

6. The proposed plan fails to address part 2 RMA by inadequately addressing the adverse effects of the oil and gas industry within the coastal marine area, notably the plan does not adequately address
 - a. S 5;
 - b. S 6 (a) (b) and (c);
 - c. S 7 (b)(ba)(c)(d)(f) and (i).

7. The proposed plan fails to give effect to the New Zealand Coastal Policy Statement, in particular:
 - a. Policy 3 – the precautionary principle;
 - b. Policy 6 (1)(i) and (j);
 - c. Policy 11- indigenous biodiversity;
 - d. Policy 13,14 and 15 – natural character and landscape;
 - e. Policy 21- enhancement of water quality; and
 - f. Policy 23- discharge of contaminants.

Low probability but high potential impact events

8. Petroleum facilities create risk. These risks must be adequately managed in accordance with the sensitivity of the environment in which they operate.

9. Oil and gas activities in the coastal marine area must be managed to address risk of toxicity caused by flaring, fugitive emissions and discharges as well as worst case scenarios such as well-blowouts or loss of controls of wellheads. Risk criteria must be probabilistic, addressing both probability and consequence.

Integrated management

10. TEW support integrated management principles and notes the particular relevance of integrated management to oil and gas activities that cross jurisdictional boundaries as well as being managed under multiple regimes.

Proposed Relief in relation to Policies, objectives and rules

11. Taranaki Energy Watch does not agree that because there are other regulations with oversight of petroleum activities Taranaki Regional Council do not need to exercise controls. The safety case regime comes after the consenting process. They may be “the fence at the top of the cliff” but they are also “the ambulance at the bottom”.¹ A safety case regime does not mean there will not be a serious catastrophic accident. A Certificate of Insurance does not mean there will not be a spill that will significantly affect the public. Integrated management requires coordination of the management and control of activities within the coastal environment.
12. The Council has the responsibility to grant resource consent for an activity to be located at a particular site. The other regulations come into force after this decision-making process is completed.^{2 3}
13. The Marine Oil Spill Contingency Plan (MOSCP, 2012) published by Taranaki Regional Council does not appear to have been referred to or referenced by the proposed Coastal Plan. It was referenced in the Cawthorn Buffer Distances Report on page 2 and in the References section. Appendix 4 Sensitive Site Coastal Info includes 66 sensitive sites relating to oil spills with the majority of the Taranaki coastline identified with ratings of Very High Risk and High Risk of Oil Spills.⁴ This should be included and considered particularly with regards to notification and activity status.

Precautionary approach

14. Policies within the New Zealand Coastal Policy Statement 2010 emphasise adopting a precautionary approach when effects are uncertain, unknown or little understood.

¹ <https://www.trc.govt.nz/assets/Documents/Plans-policies/CoastalPlanReview/OffshorePetroleumDrillingReview.pdf> p.12

² <https://www.trc.govt.nz/assets/Documents/Plans-policies/CoastalPlanReview/OffshorePetroleumDrillingReview.pdf> p.26

³ <http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM232560.html>

⁴ <https://www.trc.govt.nz/assets/Documents/Plans-policies/MOSCP/MOSCP2016-Annex4SensitiveSiteCoastalInfo-w.pdf> p.41-

15. While Policy 3 of the proposed Taranaki Regional Coastal Plan (PTRCP) supports a precautionary approach, those policies and rules relating to petroleum exploration and production do not take a precautionary approach. Objectives, policies and rules within the coastal marine area should reflect a precautionary regime for effects of activities that are uncertain, unknown or little understood.
16. Policies that should incorporate a precautionary approach include but are not limited to:
- (i) Policy 5 (j),
 - (ii) Policy 22, and
 - (iii) Policy 29.
17. Rules that should reflect a precautionary approach due the uncertain and unknown effects of the activity include, but not limited to:
- (i) Rule 12,
 - (ii) Rule 26,
 - (iii) Rule 27,
 - (iv) Rule 28,
 - (v) Rule 29, and
 - (vi) Rule 30.

Activity status

18. Taranaki Energy Watch disagrees with the proposed Coastal Plan (Rule 26) making petroleum exploration a controlled activity in the Coastal Management Areas C (Open Coast) and D (Port). All petroleum activities should be discretionary in the coastal marine area and non-complying in open coast, estuaries modified and port areas and prohibited in the coastal management areas of outstanding value and estuaries unmodified.
19. The Offshore Drilling Review Report recommends “Classifying exploratory offshore petroleum drilling as a Controlled activity will offer operators business certainty as

applications for a controlled activity cannot be turned down by Council. “⁵ This is concerning and appears to be one of the reasons for the change in activity status. This does not address Part 2 RMA and notably s 5 health and safety effects of this industry, nor the provisions of the NZCPS.

20. Taranaki Energy Watch disagrees that Coastal Management Areas A (Outstanding Coastal Value) and B (Estuaries) are non-complying activities for exploration drilling and production (Rule 28 and 30). They should have prohibited status. It is unacceptable that they have a non-complying status which means they could still occur particularly since there is evidence commissioned by Council which shows the risks to these areas from petroleum exploration and production activities and there is an acknowledgement there should be buffer zones to protect them.

Assessment Criteria

21. Assessment criteria should apply to discretionary oil and gas activities within the coastal marine area. The criteria should include consideration of low probability but significant adverse effects events and buffer zones as appropriate planning tool.

Bundling

22. TEW in principle supports the bundling of consents. Activities that include a onshore and offshore component should be bundled together. However TEW oppose the use of bundling to justify making all petroleum activities controlled in the coastal marine area.

(i) The Offshore Drilling Review Report commissioned by TRC states “it is suggested that these activities be bundled into a single controlled activity rule which covers all of the activities associated with exploratory offshore petroleum drilling in order to simplify the process for applicants. “⁶

⁵ <https://www.trc.govt.nz/assets/Documents/Plans-policies/CoastalPlanReview/OffshorePetroleumDrillingReview.pdf> p.29

⁶ <https://www.trc.govt.nz/assets/Documents/Plans-policies/CoastalPlanReview/OffshorePetroleumDrillingReview.pdf> p.29

- (ii) When a number of consents are considered together for a particular activity under the RMA this allows for appropriate consideration of the effects of the activity and they will default to the consent with the highest status. In the current Coastal Plan petroleum exploration requires a combination of resource consents that have permitted and discretionary status. There has not been a RMA basis for reducing the activity status from the current plan to the proposed plan. For example 6 of the 10 consents required for petroleum exploration in the Coastal Management Areas C is discretionary under the current Coastal Plan and 4 are permitted.⁷

Separation distances/ Buffers

23. Separation distances should be considered on a case by case approach to ensure they are appropriate. This can only be done if the activity has discretionary status as part of discretionary assessment criteria. Objectives and policies should be added to support the use of separation and buffer zones as an appropriate planning tool/method to manage oil and gas activities in the coastal marine area.

- (i) The Council commissioned the Cawthron Buffer Distances Report published in October 2015 as part of the proposed Coastal Plan. While the report supports a 1000m buffer zone for single wells using water or synthetic drilling fluids, 6000m for multiple wells from coastal areas of outstanding value, and identifies a maximum zone of effects from 6km to 20 km for water or synthetic drilling fluids, it also strongly cautions “against a one-size-fits-all buffer zones”.⁸
- (ii) The Offshore Drilling Review Report was written prior to the Cawthron Report and therefore the former is not able to consider the findings.
- (iii) The Cawthron Report strongly supports a case by case approach for buffer zones between outstanding substrates and benthic habitats and petroleum exploration and production.⁹ Taranaki Energy Watch agrees that buffer

⁷ <https://www.trc.govt.nz/assets/Documents/Plans-policies/CoastalPlanReview/OffshorePetroleumDrillingReview.pdf> p.28

⁸ <https://www.trc.govt.nz/assets/Documents/Plans-policies/CoastalPlanReview/BufferDistances.PDF> p.6

⁹ <https://www.trc.govt.nz/assets/Documents/Plans-policies/CoastalPlanReview/BufferDistances.PDF> p.7

zones are a good practice planning tool and should be considered for every application on a case by case approach.

24. If exploration drilling occurs within 6000m from the Outstanding Value coastal management area then if production activities were to occur at a later stage the production activities would be within an area that potentially should be considered a buffer zone.¹⁰ This is not considered at the outset of applying for exploration drilling and could become a significant issue. This is not addressed by the proposed Coastal Plan and should be included within assessment criteria.
25. It is not clear in the proposed Coastal Plan how many exploration wells can be drilled as part of “exploration and appraisal well drilling” by a Company under Rule 26. If there is more than one well drilled the Cawthron report says a much larger buffer zone could be required.¹¹ This needs to be explicit in discretionary assessment criteria.

Notification

26. Taranaki Energy Watch does not agree with the rules that resource consents will not be publically notified for petroleum exploration (stated it will not be publically notified) and production (silent on notification) in the Coastal Management Area C and D. Resource consents for petroleum exploration and production should be publically notified. A range of reasons are listed but not limited to:
- (i) The public regularly access the Coastal Marine Area.
 - (ii) The Cawthron Report on buffer zones identifies both buffer zones of 1km to 6km and a zone of effects from 6km to 20km which indicates the effects are considered minor or more than minor.

¹⁰ <https://www.trc.govt.nz/assets/Documents/Plans-policies/CoastalPlanReview/BufferDistances.PDF> p.6

¹¹ <https://www.trc.govt.nz/assets/Documents/Plans-policies/CoastalPlanReview/BufferDistances.PDF> p.6

- (iii) The public would be affected by health and safety issues relating to oil and gas such as well blowouts, pipeline blowouts and spills. There is no consideration of this by the Council. For example but not limited to Origin Energy has a submarine cable and pipeline protection zone for the Kupe Gas pipeline of 800m wide for the length of the corridor which advises that members of the public need to remain outside of for their own safety.
- (iv) Recent information relating to the Marine Protection Rule Part 102-Certificate of Insurance establishes a figure of \$800 million based on modelling of a credible worst case spill scenario. They also state “Drilling activity presents more risk than ongoing production activities. Given this, it is imperative that the required levels of assurance are increased before drilling commences to better reflect the potential financial implications of clean-up and compensation costs” and “Existing installations have much lower risk of an oil spill than drilling operations.”¹²
- (v) Any unlikely but significant worst case scenarios such as a well-blowout will have untold effects on the natural environment.
- (vi) Pohokura is currently the only petroleum facility offshore within the Coastal Marine Area and the resource consent was publically notified.

Sarah Roberts
Campaigner for Taranaki Energy Watch Incorporated

¹² <http://www.transport.govt.nz/assets/Uploads/Sea/Documents/Invitation-to-comment-draft-marine-Protection-Rules-Part-102-certificates-of-insurance-amendment.pdf>

Submission on TRC Regional Coastal Plan

From Emily Bailey
6484a South Rd, Pungarehu
emilybailey297@gmail.com

Tēnā koutou,

this will just be brief as it is an addition to my previous submission and I prefer to speak to my submission.

I request that:

- seismic surveying is prohibited in the coastal environment as there is now clear proof through scientific research of harm to marine mammals, marine birds and now other small species such as phytoplankton which has a flow on effect to other marine life. The government is no longer allowing new permits for this activity (due to the risks of climate change) but allowing existing permits to continue while new evidence shows the activity is harmful to marine life. This is wrong. As current kaitiaki of this coastal environment, TRC should take a stand to protect marine life until such point that the activity might be done in a harmless manner.
- All point source contaminant discharges to the coastal environment be prohibited unless there is an unforeseen emergency such as a tree falling on a pipe but that said, all risks should be assessed and prevented. It is unacceptable in this day and age to be discharging contaminants to fresh or seawater. There are always alternatives such as grey and black water systems or controlled evaporation. As a society we use far too much clean water to 'wash away' contaminants. This attitude has to stop. In most places around the world they wouldn't think of using drinkable water to wash down cow sheds, factories or even human toilets. Coastal planting below farmland, industrial sites or human wastewater treatment systems needs to become an obligation like riparian planting. Drains from streets and industrial areas also should be fitted with rubbish diverters and oil filters that are checked and cleaned regularly, particularly before heavy rain warnings.
- Access along the coastal environment should not interfere with cultural sites or privately owned land without permission from owners. Too many people treat Māori owned coastal land as public land where they think they can camp, cut down trees, graze animals or dump things like old cars and landfill. As sea level rises and storm surges damage banks, encroachment by visitors is increasing like the high tide mark. This needs to stop.

Ngā mihinui,
Emily

Submission on the TRC Draft Coastal Policy, September 2017

Author: Emily Bailey (Taranaki iwi, Te Atiawa, Ngāti Mutunga)

Date: 7 September 2017

Contacts: emilybailey297@gmail.com , 6484a South Rd, RD35 Pungarehu

He mihinui ki a koutou.

I previously submitted on the draft plan on behalf of the Parihaka Papakainga Trust but as I am not a trustee at the moment I am making a personal submission. I am a member of Parihaka and I whakapapa to Ngāti Rāhiri at Waipapa and to Otarāua hapū at Waitara.

I would like to submit the following in support of extending or creating further areas of Outstanding Value at:

1. Waipapa, Otarāua Rd, Waitara
2. the Waitara reefs and
3. the reefs, tauranga ika/waka and urupā in the eight Parihaka fishing reserves.

I believe these places have great cultural, ecological, economical and recreational importance and require special protections from development, dredging and uncontrolled recreational disturbance. Some of these were set aside in the 1970s as hapū fishing reserves under Te Tiriti o Waitangi and yet still are not without major issues that make it difficult for tangata whenua to utilise and protect them for future generations to enjoy.

1. Waipapa, Otarāua Rd, Waitara

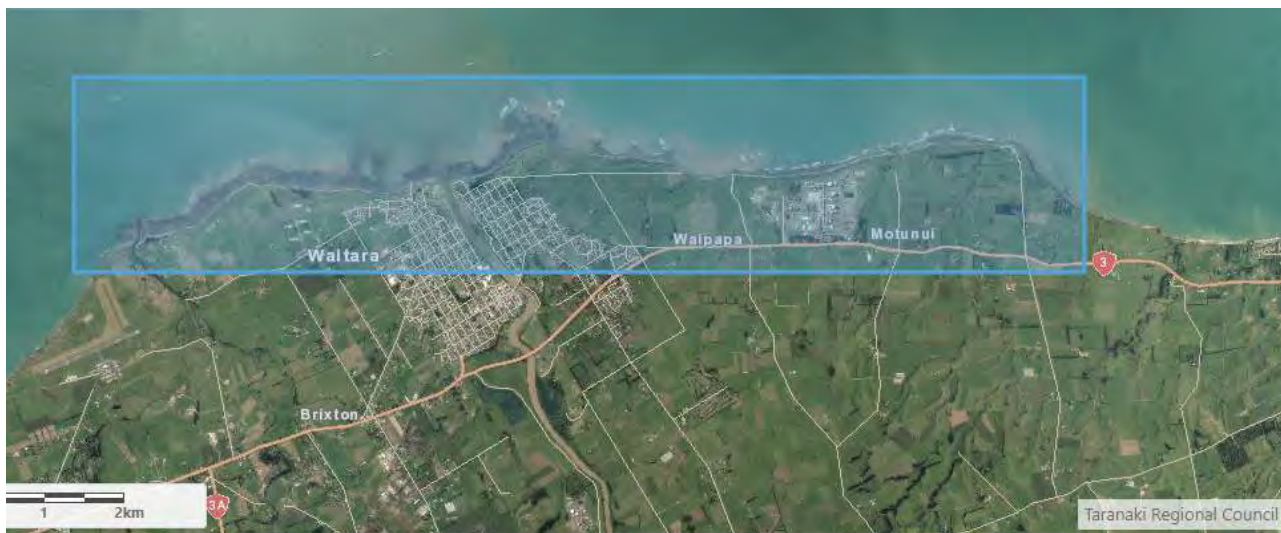
The picture here shows an old tauranga waka that our tūpuna made, as I was told by my cousin Phillip Tippins about 20 years ago before he passed away. It is hard to make out in this picture as it is either below the stream mouth or just to the left. When you are standing there and looking from the coast there is a large rock which marks the entrance point, which is only visible at mid to low tide. As you can see in the photo, our family urupā lies above the cliff



which is slowly eroding into the sea. As a child my late aunt Vera Bezeems would take us to the rocks and reef here to collect kaimoana. My cousin Phillip said he fished and caught koura around here.

2. Waitara Kaawa / Reefs

These kaawa have been well documented by the hapū in Waitara over the past few decades. They were once rich with kaimoana which sustained many people. They can be so again through better protection and management under the local hapū and community. For years they have been subjected to things like sewage, factory waste, sediment build up from intensive farming and deforestation, and oil and gas waste discharges to land and water. They are an important economic, social and cultural taonga.



3. Parihaka coastal reserves – kaawa, tauranga ika/waka, urupā, archaeological remains

There are at least 8 fishing reserves along the Taranaki coastline between Warea and Oaonui called:

- Tui Raho (Tuhiraroa)
- Te Whanganui
- Ihurangi
- Okawa
- Te Ikaroa
- Tīpoka 55a and Tīpoka 55b
- Mataurukuhia
- Te Wairua (Wairoa) (on Waitaha River)

These have been administered by the Parihaka Papakāinga trustees for many years, on behalf of hapū. There have been problems with land confiscation causing denial of access, neighbours moving fences and farming land without permission, the seabed being dredged and tailings dumped onshore, and recreational users damaging and defiling the sites with rubbish, excrement and via vehicle movements. All of these sites were important sources of food and at times held large populations of our people. They are important still for whitebait, kahawai, kina, pūpū, pāua, wheki, pīharau, watercress, seaweed and other kaimoana as well as cultural, recreational and spiritual sites.



Extract from *N.Z. Gazette*, 18 May 1972, No. 42, page 1079

Setting Apart Maori Freehold Lands as Maori Reservations

Whānauas by notice dated 17 March 1972 and published in *Gazette*, 23 March 1972, No. 26, p. 636, the Maori freehold lands set apart in the First Schedule hereto were set apart as Maori reservations; and whereas the appellation on one of the blocks is incorrect, now, therefore, pursuant to section 439 of the Maori Affairs Act 1953, notice is hereby given as follows:

NOTICE

1. The notice dated 17 March 1972 and published in *Gazette*, 23 March 1972, No. 26, p. 636, relating to the lands described in the First Schedule hereto is hereby cancelled.
2. The lands described in the Second Schedule hereto are hereby set apart as Maori reservations for the purpose of raising grounds for the common use and benefit of the members of the Ngāti Mōhau tribe.

FIRST SCHEDULE

TARANAKI LAND DISTRICT

All those pieces of land situated in the Cape Survey District as are more particularly delineated on the S.O. plan set out opposite the respective land:

A. B. P.	Being	Plan Reference
7 2 0	Tipoka, Section 35A, Block XII. All the land situated in Section 35, south of the Waitotara Stream and being part of the land contained and described in certificate of title, Volume 10, folio 37.	246L
7 2 0	Tipoka, Section 35B, Block XII. All the land situated in Section 35, north of the Waitotara Stream, and being part of the land contained and described in certificate of title, Volume 10, folio 37.	246L
9 0 0	Waipara, Section 31, Block XII, and being all of the land contained and described in certificate of title, Volume 10, folio 36.	236L
1 0 0	Whanganui, Section 92, Block VIII, and being all of the land contained and described in certificate of title, Volume 10, folio 64.	248L and 249L, 1054

SECOND SCHEDULE

TARANAKI LAND DISTRICT

All those pieces of land situated in the Cape Survey District as are more particularly delineated on the S.O. plan set out opposite the respective land:

A. B. P.	Being	Plan Reference
7 2 0	Tipoka, Section 35A, Block XII. All the land situated in Section 35, south of the Waitotara Stream and being part of the land contained and described in certificate of title, Volume 10, folio 37.	246L
7 2 0	Tipoka, Section 35B, Block XII. All the land situated in Section 35, north of the Waitotara Stream, and being part of the land contained and described in certificate of title, Volume 10, folio 37.	246L
9 0 0	Waipara, Section 31, Block XII, and being all of the land contained and described in certificate of title, Volume 10, folio 36.	236L
1 0 0	Whanganui, Section 92, Block VIII, and being all of the land contained and described in certificate of title, Volume 10, folio 64.	248L and 249L, 1054

Dated at Wellington this 11th day of May 1972.
 J. W. APPERLBY,
 Deputy Secretary for Maori and Māori Affairs
 (M. and I.A. 31/3/664)

Above left: 1880 West Coast NZ Survey map showing some of the native settlements along the coast.

Above right: Gazette notice of some of the reserves in 1972 for Ngāti Mōhau hapū.

Tui Raho contains a rare endemic coastal herb that is being protected by DoC and the local community. Old fishing rocks (mahe) are commonly found in this area too from the days when this was a well used fishing pā. It has a well know surf break which now brings problems like traffic congestion, rubbish and toilet waste. The river mouth is also a hapū boundary marker.

Te Whanganui was also a large fishing pā with a tauranga waka constructed by hand (see area in photo below). The current boat ramp lies beside it. This area has many problems with encroachment by neighbours, dredging on and off shore and coastal erosion but is still a highly popular site for fishing, swimming and seaweed collection.



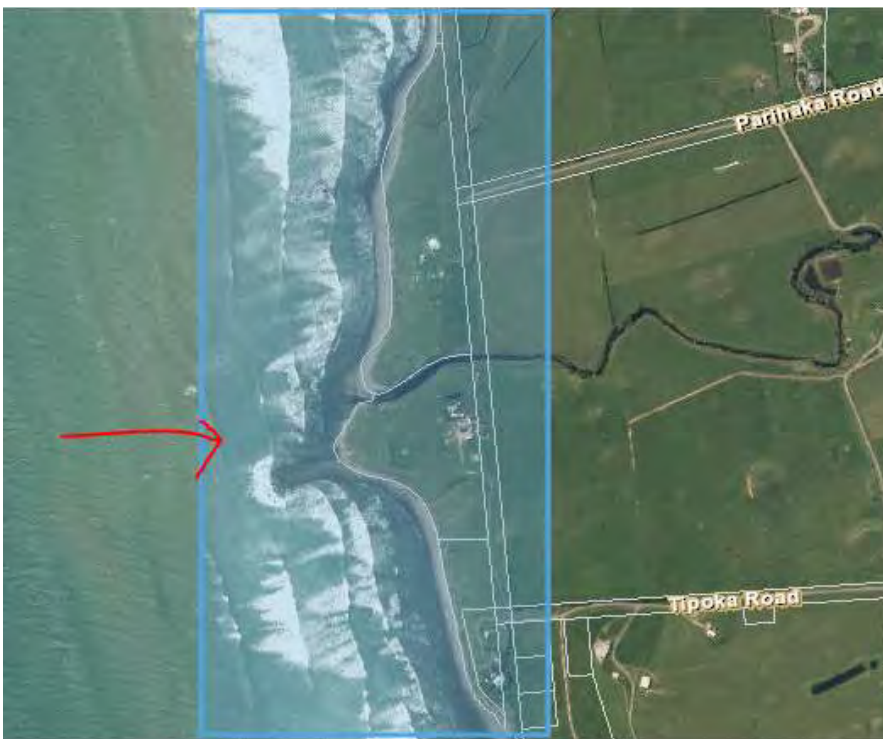
Ihurangi and Okawa were much larger than the current reserve boundaries and there are urupā here by the Waitekaure stream and Okawa that is said to have carved stones. The reef was called Te Kopu-a-Whai according to the late Whero Bailey, where wheki were abundant. There have been problems with neighbours farming illegally here, dumping of dredge tailings, burnt out cars, rubbish and coastal erosion. It is still a popular camping and fishing spot. There is the beginning of a tauranga waka the men were building but it was unfinished.

Te Ikaroa has a large tauranga waka called Te Kupe built by the women (top area in photo below) and a tauranga ika (lower area in photo). There were once many kainga here, there are still a few now. Conger eel were abundant. There are constant problems with campers and surfers leaving waste and causing at least one fire as well as damaging plantings and removing signage. It is popular for swimming and fishing too.



Mataurukuhia has a tauranga-ika, piharau in the Otahi and watercress. Beautiful site with no public road access. Farmers are using it perhaps illegally.

Tīpoka 55a and 55b sit aside the Waitotoroa river mouth and there are whānau still living here. It is a popular white-baiting and fishing site still. There is possibly a tauranga waka here (see photo below).



Te Wairua (Wairoa) has no public road access and sits at the Waitaha river mouth. It is a beautiful site with sand dunes and kowharawhara but has problems with encroaching neighbours who also 'land farmed' drilling waste.

13 April 2018

Document: 2027203

Taranaki Regional Council
Private Bag 713
Stratford

Attention: Basil Chamberlain

Submission on the Proposed Coastal Plan for Taranaki

This document is the Taranaki Regional Council's submission on the *Proposed Coastal Plan for Taranaki* (the Proposed Plan). This submission is made by the Chief Executive of the Taranaki Regional Council acting under the delegated authority from the full Council.

The Taranaki Regional Council seeks the following relief:

1. That the Taranaki Regional Council amends Rule 1 of the Proposed Plan relating to stormwater discharges into water or on to land in the coastal marine area (CMA) to refer to threshold values that trigger controls under *Hazardous Substances and New Organisms Act 1996*.

Reasons: Rule 1 relates to a permitted activity rule whereby stormwater discharge activities in the CMA that do not come within or comply with the rule are discretionary activities and require a resource consent. As currently written, Rule 1 excludes industrial and trade premises that "...use or store hazardous substances". The definition of 'hazardous substances' is very broad and includes many normal day-to-day items and products such as detergents, household cleaners etc. As a result, Rule 1 is likely to unnecessarily capture all industrial or trade premises – regardless of quantities and risk to the environment. The relief sought seeks minor amendments to Rule 1 and the inclusion of a schedule that identifies those hazardous substances of a type and of a quantity that warrant regulating through the resource consents process. A revised rule and schedule should be based on threshold values set out by the Environmental Protection Agency under the *Hazardous Substances and New Organisms Act 1996* (which, in turn, are based on internationally recognised measures) that trigger a requirement to prepare a contingency plan and secondary containment.

2. That the Taranaki Regional Council amends Rule 26 of the Proposed Plan relating to exploration or appraisal well drilling within the Open Coast and Port management areas to make minor amendments to the wording of the description of the activity.

Reasons: Rule 26 relates to a controlled activity rule which includes several activities associated with exploration or appraisal well drilling. As currently written, Rule 26 includes associated activity (b), which refers to any occupation of space in the common marine and coastal area associated with the exploration or appraisal well drilling activity. The current wording omits the words "temporary exclusive" and should be amended to reflect the wording contained in Rule 27, which reads "... temporary exclusive

occupation of space in the common marine and coastal area.” The relief sought seeks minor amendments to Rule 26 to insert the omitted words at the beginning of sub-clause (b) prior to the word “occupation”. This amendment will provide clarification of the type and duration of occupation allowed for the associated activity in the Open Coast and Port coastal management areas.

3. That the Taranaki Regional Council amends Schedule 2 of the Proposed Plan to align the mapping of Outstanding Natural Character Areas with those mapped by the South Taranaki District Council through their district plan review.

Reasons: The Taranaki Regional Council liaised closely with South Taranaki District Council in the identification of Outstanding Natural Character Areas for inclusion in our respective coastal and district plans. Minor discrepancies have been noted between the respective plans and granting the relief will promote better integrated management within the wider coastal environment.

4. That the Taranaki Regional Council identifies and makes all consequential amendments to the Proposed Plan to give effect to those changes sought by submitters, and agreed to through this Plan review process.

Reasons: The Taranaki Regional Council notes that in response to specific relief sought by (and granted to) other submitters, there are likely to be consequential amendments required to be made to other parts of the Proposed Plan. The relief sought recognises that the Proposed Plan should be read as a whole unit and that changes to one part of that unit can have implications for other parts of the Plan. It is not always possible to chart these consequential amendments in advance. The relief also recognises that submissions may overlap and that the most effective and efficient means of dealing with that situation may be to make an amendment in a form that is different to the submissions received.

5. That the Taranaki Regional Council audits the Proposed Plan for internal consistency and readability after the consideration and incorporation of the matters contained in the other submissions received by the Council and that all necessary inconsequential amendments be made.

Reasons: The Taranaki Regional Council notes that minor amendments may be necessary to ensure that the full effects of amendments made in response to matters contained in submissions are considered and that amendments are not simply made on an *ad hoc* basis. The relief includes making any minor editorial changes to improve the readability of the Proposed Plan (but not to change policy intent) or to correct minor typographical errors.

The Taranaki Regional Council does not wish to be heard in support of its submission.

Yours faithfully
BG Chamberlain
Chief Executive

per: AD McLay
Director – Resource Management

Submission on Proposed Coastal Plan for Taranaki

Thank you for agreeing to allow an extension to the submissions period for Maritime NZ and we hope the following is helpful.

Re: Section 8.1 Discharges, Rule 4 Petroleum dispersant use

Oil spill control agents (which include dispersants) that may be used in the marine environment in the case of an oil spill, must be approved by the Director of Maritime NZ under Marine Protection Rule Part 132. For that reason we have an interest in the wording of this section.

The term “petroleum dispersant” can be interpreted in two very different ways: 1) a dispersant to be used on petroleum products (spilt in the marine environment); but also 2) a petroleum based dispersant. The latter cannot meet the standard for approval by Maritime New Zealand under Marine Protection Rule Part 132, so cannot be discharged into the marine environment in the event of an oil spill. We suggest that to avoid ambiguity and to ensure alignment with Part 132, the term “Oil Spill Control Agent” (OSCA) could be used; an OSCA approved by Maritime New Zealand is termed an NZOSCA. The other benefit of using the term OSCA is that it extends to other product types that may be used beyond ‘dispersants’.

As the definition of an oil spill in Part 132 reads “...*an actual or probable release, discharge, or escape of oil*”, a natural oil seep resulting from dredging activities is already regulated by Part 132 and the MTA. Do you therefore need Rule 4? If so, all relevant sections of Part 132 would apply including provisions requiring authorization for discharge under an oil spill contingency plan, or by an on-scene commander.

Kasm

kiwis against seabed mining

PO Box 193
Raglan
New Zealand
Email: cindybax@gmail.com
Ph: 021 772 661

To: David Macleod
Chairman
Taranaki Regional Council
Via email: info@trc.govt.nz

April 30 2018

SUBMISSION ON THE PROPOSED TARANAKI REGIONAL COASTAL PLAN

INTRODUCTION

1. KASM is a non-profit incorporated society. KASM was established in 2005 as a response to legislation being introduced that could lead to mining of the sea bed, a concern that became concrete when Trans Tasman resources proposed seabed mining application off the coast of Patea in 2011. Its objectives include to support communities taking responsibility for their own coastal and marine environment. KASM has actively participated in the TTR application in 2013, the Chatham Rock Phosphate hearing before the EPA in 2015 and the Trans Tasman resource Limited second application to the EPA in 2016, as well as subsequent litigation in the High court. KASM has also been involved in broader community outreach in informing

and educating primarily coastal communities on the impacts of sea-bed mining proposals and the importance of marine conservation.

GENERAL THEMES, ISSUES & RELIEF SOUGHT TO THE PLAN AS A WHOLE

2. The plan has made a genuine attempt at mapping areas of significant biodiversity, cultural, landscape and eco-logical values and protecting those values. But the plan has not gone far enough. The bottom line for KASM is to support the implementation of objectives, policies and rules/methods that prevent further degradation and maintain and enhance areas of biodiversity and character of the marine environment.
3. The coastal and marine area is under severe pressure. We are seeing a decline across the board. The 12nm coastal marine area is a key area for marine biodiversity and coastal processes as well as being utilised by communities, industry and marine shipping. Fishing and destructive fishing practice such as bottom trawling have destroyed seabed and fish stocks as well as other species caught as bycatch. A century of industrial discharges has contaminated the water with plastics, chemicals and sedimentation. Climate change and the associated effects are now cumulating to create localised extremes on a global landscape and the oceans now lie under a shadow of threat from seabed mining. Natural and historical features values in the coastal environment need to be protected to allow healthy and functioning eco-systems to continue, and to provide for the economic, social and cultural well-being of present and future generations. Overfishing, plumes and sedimentation from seabed mining, seismic testing and oil spills all can create serious adverse effects. These industries must be adequately managed in terms of their location, their effects and their duration.
4. The proposed plan fails to give effect to Part 2 of the Resource Management Act 191 (RMA), including s 5; s 6(a)(b)(c) and (e), s 7(a)(b)(ba)(c)(d)(f)(g) and (i). The proposed plan fails to give effect to the New Zealand Coastal policy statement, in particular: policy 3, 4, 6, 7, 11, 13, 14, 15, 21, 22 and 23.

Mana Whenua

5. KASM has read the draft submissions of Ngaa Ruahine, Nga Rauru, Ngati Ruanui and Te Atiawa. KASM supports these submissions and the relief that is sought therein including the application of marine spatial management as a tool to implement mautauranga maori, identify cultural, historical intrinsic values of the environment and enhance and maintain biodiversity in the marine space.

Marine Spatial Planning

6. Marine Spatial planning provides an opportunity to be collaborative and inclusive, as well as forward thinking. It records the relationships both cultural, economic and environmental relationships between various areas and how these relationships can be managed while maintaining the environmental bottom-lines in the RMA and NZCPS. KASM supports the inclusion of marine spatial planning and a method for marine management in the coastal marine area.
7. The Plan provides a limited overview through coastal management area mapping, however fails to identify all significant areas in the coastal marine area. There is also a failure to provide for the spatial extent of intrinsic relationships.

Relief

1. Values and relationships need to be adequately mapped so as to provide for the maintenance and enhancement of biodiversity in the CMA.
2. Objectives and policies should provide for and support the application of marine spatial management as an appropriate approach for management of the CMA.
3. Rules should enable activities to take place in appropriate areas which reflect the values that have been identified through mapping and control or prohibit other activities.

Precautionary Approach

8. Policy 3 of the NZCPS requires that the regional plan adopt of precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown or little understood, but potentially significantly adverse. Policy 3(2) states that “in particular” the regional plan should “adopt a precautionary approach to use and management of coastal resources potentially vulnerable to

effects from climate change...”. This is relevant to fishing, oil and gas and seabed mining:

- a. Weather systems in the Taranaki Coastal Marine Area are likely to become more volatile making large scale activities more risky.
 - b. Coastal processes will be impacted such as increased rate of erosion.
 - c. Bio-diversity will be under increased pressures from changes in ocean acidity and therefore other effects, such as cumulative effects from fishing and seabed mining need to take this into account.
9. The precautionary approach should be applied to objectives and policies and rules in the plan that relate to oil and gas, fishing and seabed mining activities.

Integrated Management

10. The purpose of the RMA and RPS is to achieve integrated management. Methods need to be implemented to achieve integrated management for the marine environment facilitated by marine spatial planning. The integrated management of marine resources in terms of an ecological management approach has been developed in the international context and must be applied to the Taranaki CMA to give effect to Objective 1 of the NZCPS.

Relief sought

1. Integrated marine management implemented through integrated management of fisheries resources, marine eco-systems, and other natural resources.
2. Integrated management of activities that occur across jurisdictional boundaries and are managed by multiple regimes.

ACTIVITIES IN THE AREA

Fishing Activities

11. Bottom trawling, long-lining, seine netting and potting all have adverse effects on biodiversity including through impacts to the seabed, extraction of target and non-target species from the area and extraction of food sources for other species.
12. Such practices should be managed through marine spatial management to ensure that they take place in areas that do not impact the ability of life-supporting eco-systems to function and biodiversity to be maintained and enhanced in the coastal marine area generally.

Relief

1. Rules that prohibited, restrict activities in relations to the values of the areas that are identified through marine spatial planning.

Oil and Gas Activities

13. Petroleum activities create risks of low probability high significance. The activities therefore need to be located in the appropriate locations taking into account the volatility of the weather system which are changing under the effects of climate change, ability of emergency services to respond to an event, and the sensitivity of the environment where an event occurs. Oil and gas activities in the coastal marine area must be managed to address risk of toxicity caused by flaring, fugitive emissions and discharges as well as worst case scenarios such as well-blowouts or loss of controls of wellheads. Risk criteria must be probabilistic, addressing both probability and consequence.
14. The economic effect of such proposals much be considered in light of the net benefit to New Zealand as a whole.

Relief

1. Rules that prohibited, restrict activities in relations to the values of the areas that are identified through marine spatial planning.
2. Oil and gas activities that are in the CMA should be discretionary at a minimum and non-complying or prohibited in areas with higher natural and cultural values.
3. Rule 4: agree that this should be classified as a permitted activity, because a swift respond to a spill is required.
4. Rule 12: oppose rule 12 classifying testing and bathymetric testing as permitted activities. KASM has opposed applications under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (“EEZ/CCZ Act”) on the basis that the Department of Conservation Code of Conduct is flawed, and the research evidence clearly cites the harm that is caused to marine mammals, larvae development and zoo plankton. A reliance on the guidelines as the basis to afford permitted activity status neglects the impact on fish, larvae and invertebrates and maori customary and commercial fishing rights.

Seabed Mining

15. TTR proposes to mine iron sand in the South Taranaki Bight for the next 35 years. It has applied for marine consents and marine discharge consents to extract and process iron sand within 65.76 square kilometres (km²) of seabed. TTR proposes to extract up to 50 million tonnes of iron sand per year, and discharge 45 million tonnes back to the ocean retaining 5 million tonnes of iron ore concentrate. KASM has opposed the applications in full.
16. The majority of the effects from the discharge of the leftover material following seabed mining will be discharged back into the sea. The modelled effects show that the majority of the plume will settle in and on the seabed of the Coastal Marine Area.
17. The concern is that despite the work that has been done by TRC to reduce “the number of coastal permits has reduced over time for some activities e.g there are no only four major community or industrial discharges to coastal waters, compared with some 25 major discharges 30 years ago” this work is being undermined.
18. The grant of the TTR applications is currently under consideration by the High Court.

Relief

1. Rules that prohibit and restrict activities in relations to the values of the areas that are identified through marine spatial planning.
2. In respect of policy 42, KASM opposes an interpretation of the disturbance referred to does not relate to commercial activity.

We wish to be heard in support of this submission.



Cindy Baxter
Chairperson of KASM
cindybax@gmail.com
021 772 661

GREENPEACE SUBMISSION ON THE PROPOSED TARANAKI REGIONAL COASTAL PLAN

To: Basil Chamberlain

Chief executive

Taranaki Regional Council

Via email: info@trc.govt.nz

3 May 2018

From: Greenpeace of New Zealand, Inc. (Greenpeace)

11 Akiraho Street, Mount Eden

Auckland 1024

INTRODUCTION

1. Greenpeace is a non-profit society. Greenpeace objectives including promoting the protection and preservation of nature and the environment, including the oceans, lakes, rivers and other waters, the land and the air and flora and fauna. Greenpeace advocates for environment protection in New Zealand and elsewhere, including campaigns on oil drilling and seabed mining, sustainable fishing practices and climate change.

GENERAL THEMES, ISSUES & RELIEF SOUGHT TO THE PLAN AS A WHOLE

2. The plan has made a genuine attempt at mapping areas of significant biodiversity, cultural, landscape and eco-logical values and protecting those values. But the plan has not gone far enough. The bottom line for Greenpeace is to support the implementation of objectives, policies and rules/methods that prevent further degradation and maintain and enhance areas of biodiversity and character of the marine environment.
3. The coastal and marine area is under severe pressure. We are seeing a decline of ecological values across the board. The 12nm coastal marine area is a key area for marine biodiversity and coastal processes as well as being utilised by communities, industry and marine shipping. Fishing and destructive fishing practice such as bottom trawling are destroying seabed habitats and fish stocks as well as other species

caught as bycatch. A century of industrial discharges has contaminated the water with plastics, chemicals and sedimentation. Climate change and the associated effects are now cumulating to create localised extremes on a global landscape and the oceans now lie under a shadow of threat from seabed mining. Natural and historical features values in the coastal environment need to be protected to allow healthy and functioning eco-systems to continue, and to provide for the economic, social and cultural well-being of present and future generations. Overfishing, plumes and sedimentation from seabed mining, seismic testing and oil spills all can create serious adverse effects. These industries must be adequately managed in terms of their location, their effects and their duration.

4. The proposed plan fails to give effect to Part 2 of the Resource Management Act 1991 (RMA), including s 5; s 6(a)(b)(c) and (e), s 7(a)(b)(ba)(c)(d)(f)(g) and (i). The proposed plan fails to give effect to the New Zealand Coastal policy statement, in particular: policy 3, 4, 6, 7, 11, 13, 14, 15, 21, 22 and 23.

Mana Whenua

5. Greenpeace has read the draft submissions of Ngaa Ruahine, Ngati Ruanui and Te Atiawa. Greenpeace supports the view of indigenous values being integrated into planning frameworks. Greenpeace supports the relief sought in these submissions in relation to marine spatial management as a tool to implement mautauranga maori value structures, identify cultural and historical values, identifying the intrinsic nature of the environment and to enhance and maintain biodiversity in the marine space that supports community wellbeing.

Marine Spatial Planning

6. Marine Spatial planning provides an opportunity to be collaborative and inclusive, as well as a forward thinking approach to addressing appropriateness of activities. It records the relationships including cultural, economic and environmental relationships between various areas and how these relationships can be managed while maintaining the environmental bottom-lines in the RMA and giving effect to the NZCPS. Greenpeace supports the inclusion of marine spatial planning as a

method for marine management in the coastal marine area to inform decision making.

7. The Plan provides a limited overview through coastal management area mapping, however fails to identify all significant areas in the wider coastal marine area. There is also a failure to provide for the spatial extent of intrinsic relationships and limited areas of biodiversity values. The Plan only identifies areas above and in the near shore inter-tidal marine area, with exception of a few offshore reefs (i.e north and south trap), the values of sub-tidal environments needs to be included in the plan.

Relief

- a) Values and relationships need to be adequately mapped so as to provide for the maintenance and enhancement of biodiversity in the Coastal Marine Area.
- b) Objectives and policies should provide for and support the application of marine spatial management as an appropriate approach for management of the Coastal Marine Area.
- c) Rules should enable activities to take place in appropriate areas which reflect the values that have been identified through mapping and control or prohibit other activities to reduce the impacts and effects on the environment and cultural wellbeing.

Precautionary Approach

8. Policy 3 of the NZCPS requires that the regional plan adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown or little understood, but potentially significantly adverse. Policy 3(2) states that “in particular” the regional plan should “adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change...”. This is relevant to fishing, oil and gas and seabed mining:
 - a. Weather systems in the Taranaki Coastal Marine Area are likely to become more volatile making large scale activities more risky.

- b. Coastal processes will be impacted such as increased rate of erosion.
 - c. Bio-diversity will be under increased pressures from changes in ocean acidity.
 - d. Cumulative pressures on eco-systems increase.
9. The precautionary approach should be applied to objectives and policies and rules in the plan that relate to oil and gas, fishing and seabed mining activities.

Integrated Management

10. The purpose of the RMA and RPS is to achieve integrated management. Methods need to be implemented to achieve integrated management for the marine environment facilitated by marine spatial planning. The integrated management of marine resources in terms of an ecological management approach has been developed in the international context and must be applied to the Taranaki CMA to give effect to Objective 1 of the NZCPS.

Relief sought

- a) Integrated marine management implemented through integrated management of fisheries resources, marine eco-systems, and other natural resources.
- b) Integrated management of activities that occur across jurisdictional boundaries and are managed by multiple regimes.

ACTIVITIES IN THE AREA

Fishing Activities

11. Bottom trawling, long-lining, seine netting, bottom gillnetting and some potting practices all have adverse effects on biodiversity including through activity impacts to the seabed, extraction of target and non-target species from the area and extraction of food sources for other species.

12. The plan should protect, maintain and enhance environmental bottomlines of the NZCPS and/or values identified in the Regional Policy Statement and Regional Coastal Plan.

Relief

- a) Activities should be managed so as to avoid, remedy or mitigate adverse effects to environmental bottomlines and policies of the NZCPS and/or values identified in the Regional Policy Statement and Regional Coastal Plan. Marine spatial management and associated rules framework is an appropriate method that should be applied.

Oil and Gas Activities

13. Petroleum activities create risks of low probability but high potential impact. The activities therefore need to be located in the appropriate locations taking into account the volatility of the weather systems which are changing under the effects of climate change, ability of emergency services to respond to an event, and the sensitivity of the environment where an event occurs. Oil and gas activities in the coastal marine area must be managed to address risk of toxicity caused by flaring, fugitive emissions and discharges as well as worst case scenarios such as well-blowouts or loss of controls of wellheads. Risk criteria must be probabilistic, addressing both probability and consequence.
14. The economic effect of such proposals must be considered in light of the net benefit to New Zealand as a whole.

Relief

- a) Activities should be managed so as to avoid, remedy or mitigate adverse effects to environmental bottomlines and policies of the NZCPS and/or values identified in the Regional Policy Statement and Regional Coastal Plan. Marine spatial management and associated rules framework is an appropriate method that should be applied.
- b) Oil and gas activities that are in the CMA should be discretionary at a minimum and non-complying or prohibited in areas with higher natural and cultural values.

- c) Rule 4: agree that this should be classified as a permitted activity, because a swift respond to a spill is required.
- d) Rule 12: oppose rule 12 classifying testing and bathymetric testing as permitted activities. Greenpeace have opposed applications under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (“EEZ/CCZ Act”) on the basis that the Department of Conservation Code of Conduct is flawed, and the research evidence clearly cites the harm that is caused to marine mammals, larvae development and zoo plankton. A reliance on the guidelines as the basis to afford permitted activity status neglects the impact on fish, larvae and invertebrates and maori customary and commercial fishing rights.

Seabed Mining

- 15. TTR proposes to mine iron sand in the South Taranaki Bight for the next 35 years. It has applied for marine consents and marine discharge consents to extract and process iron sand within 65.76 square kilometres (km²) of seabed. TTR proposes to extract up to 50 million tonnes of iron sand per year, and discharge 45 million tonnes back to the ocean retaining 5 million tonnes of iron ore concentrate. Greenpeace have opposed the applications in full.
- 16. The majority of the effects from the discharge of the leftover material following seabed mining will be discharged back into the sea. The modelled effects show that the majority of the plume will settle in and on the seabed of the Coastal Marine Area.
- 17. The concern is that despite the work that has been done by TRC to reduce the number of coastal permits that discharge into the marine environment; “there are no only four major community or industrial discharges to coastal waters, compared with some 25 major discharges 30 years ago” this work is being undermined.
- 18. The grant of the TTR applications is currently under consideration by the High Court.

Relief

- a) Activities should be managed so as to avoid, remedy or mitigate adverse effects to environmental bottomlines and policies of the NZCPS and/or values identified in the Regional Policy Statement and Regional Coastal Plan. Marine spatial

management and associated rules framework is an appropriate method that should be applied.

- b) In respect of policy 42, Greenpeace opposes an interpretation of the disturbance referred to does not relate to commercial activity.

We wish to be heard in support of this submission.

3 May 2018

Emily Hunter
Oceans Campaigner, Greenpeace New Zealand

Kate Simcock
Climate Campaigner, Greenpeace New Zealand



4th May 2018

File ref: 33002-009

Proposed Taranaki Coastal Plan
Taranaki Regional Council
47 Cloten Road
Stratford

Email: coastal@trc.govt.nz

**FORM 5: SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA ON PROPOSED
TARANAKI COASTAL PLAN**

1. This is a submission on the following proposed plan:

Proposed Taranaki Coastal Plan

2. Heritage New Zealand Pouhere Taonga could not gain an advantage in trade competition through this submission.

3. The specific provisions of the proposal that Heritage New Zealand Pouhere Taonga's submission relates to are:

The matters within the plan changes relating to historic heritage.

4. Heritage New Zealand Pouhere Taonga's submission is:

See Attachments 1 to 2.

5. The reasons for Heritage New Zealand's position are as follows:

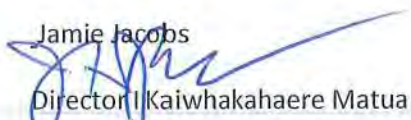
See Attachments 1 to 2.

6. Heritage New Zealand seeks the following decision from the local authority:

See Attachment 1.

7. Heritage New Zealand wishes to be heard in support of our submission.

Jamie Jacobs



Director | Kaiwhakahaere Matua
Central Region

Heritage New Zealand Pouhere Taonga

Attachments:

1. Proposed Taranaki Coastal Plan Submission Table
2. Example Archaeological Requirements Appendix

Address for Service:

Edita Babos

Planner

Heritage New Zealand

PO Box 2629

Wellington 6140

DDI: 04-494-8325

Email: planner@heritage.org.nz

Attachment 1: Heritage New Zealand Pouhere Taonga Feedback Table For Taranaki Coastal Plan (Proposed)

	Proposed Plan Provision	Support or oppose	Reasons for Submission	Relief Sought <u>Underline</u> : insertion Strikethrough : deletion <i>Italics</i> : new clause
3. Coastal management				
1	3.2.5	Support with amendment	<p>The drafting of this matter is very close to wording in s.6(e) of the RMA, but does omit some terms and requires amendment.</p> <p>The wording should also refer to all Māori, not just tangata whenua, as is the wording used in s.6(e). Council has a responsibility to all Māori, and referring to only tangata whenua can create issues. For example, the definition of tangata whenua under the RMA is those iwi or hapū that have mana whenua; however, a iwi or hapu that no longer has mana whenua can still have important relationships with an area that require providing for under s.6(e).</p>	<p>That 3.2.5 be amended as follows:</p> <p>Ensuring the relationship of <u>Māori tangata whenua, including their traditions and cultural values and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga</u> are recognised and provided for in the management of Taranaki's coastal environment.</p>
4. Objectives				
2	Objective 9	Support with amendment	See feedback point 1.	<p>That Objective 9 be amended as follows:</p> <p>Objective 9: Relationship of <u>Māori tangata whenua</u> with the coastal environment</p> <p>Traditional and continuing relationships of <u>Māori tangata whenua</u> and their cultures and traditions with the coastal environment <u>and their ancestral lands, water, sites, waahi tapu and other taonga</u>, including the role of tangata whenua as kaitiaki, are recognised and provided for and protected from inappropriate use and development of the coastal marine area.</p>
3	Objective 11	Support with amendment	The Objective should also recognise the fact that historic heritage in the coastal environment is extensive but that it is	That Objective 11 be amended as follows:

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			not well known. This is included under Objective 6 in the New Zealand Coastal Policy Statement (NZCPS) as something requiring recognition. The objective should also reference subdivision, as done in s.6(f) and referenced in the NZCPS.	Objective 11: Historic heritage Significant h Historic heritage in the coastal environment is protected from inappropriate use and development of the coastal marine area, <u>and the extensiveness but limited knowledge of historic heritage in the coastal environment is recognised.</u>
5. Policies				
4	Introduction	Support with amendment	A specific bullet should refer to the relationship of Māori with the coastal environment as this is an important part of the Plan that is addressed in the policies.	That the introduction be amended as follows: <u>6. Relationship of Māori and their culture and traditions with the coastal environment</u>
5	Policy 15	Support	The protection of historic heritage in the coastal environment is adequately provided for. The policy provides a basis for specific rules and gives effect to Section 6 of the RMA.	That Policy 15 be kept as proposed.
6	Policy 16 (b)	Support with amendment	Provision should also be made for taking into account any memoranda of understanding or kaitiaki agreements made with iwi authorities generally; i.e, not just between iwi and Council. This will help facilitate alternative methods to conflict resolution that can be very effective, especially in the management of sites of significance to Māori. This can easily be provided for by broadening Policy 13(a)(ii).	(b) taking into account any relevant memorandum of understanding <u>or kaitiaki agreement with</u> between the Taranaki Regional Council and the iwi authorities;
7	5.2 Activity-based policies	Support with amendment	The introduction to this section should clarify the relationship between the general policies in 5.1 and the activity-based policies. In particular, this needs to set out what takes precedence when the policies in each section are in conflict. Heritage New Zealand considers that the general policies should take precedence and the activity-based policies function be to provide additional detail.	This section contains policies specific to particular activities or uses in the coastal marine area. The policies provide direction for the use, development or protection of resources, and how the particular activities should be managed. The activity-based policies must be considered alongside the general policies and never in isolation. <u>Where a policy in this section conflicts with a general</u>

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				<i>policy in 5.1, the general policy takes precedence.</i>
8	Policy 32	Support with amendment	The placement of structures has the potential to adversely affect historic heritage and a policy relating to this should be included. This should be done by a cross-reference to Policy 15.	Add the following to Policy 32: <u><i>(g) will manage adverse effects on historic heritage in accordance with Policy 15.</i></u>
9	Policy 34	Support with amendment	The placement of hard protection structures has the potential to adversely affect historic heritage and a policy relating to this should be included.	Add the following to Policy 34: <u><i>(h) the management of adverse effects on historic heritage in accordance with Policy 15.</i></u>
10	Policy 42	Support with amendment	The policy should refer to adverse effects on historic heritage and the management of these effects in accordance with Policy 15. Policy 15 then provides the detail of how adverse effects are to be managed.	That Policy 42(c) be amended as follows: <u><i>(c) avoid, remedy or mitigate other adverse effects – including adverse effects on historic heritage (refer to Policy 15); and</i></u>
11	Policy 43	Support with amendment	Port dredging has the potential to adversely affect historic heritage. Even if no historic heritage has been identified in port areas currently, they still could be in the future. Accordingly an additional clause should be added to the policy.	Add the following to Policy 43: <u><i>(e) adverse effects on historic heritage are managed in accordance with Policy 15;</i></u>
12	Policy 44	Support with amendment	Extraction or deposition both have the potential to adversely affect historic heritage and a policy, as included in the other extraction related policies, relating to this should be included.	Add the following to Policy 44: <u><i>(h) manage adverse effects on historic heritage in accordance with Policy 15.</i></u>
13	Policy 46	Support with amendment	Land reclamation has the potential to adversely affect historic heritage and a policy relating to historic heritage should be included.	Add the following to Policy 46: <u><i>(d) manage adverse effects on historic heritage in accordance with Policy 15.</i></u>
6. Methods of implementation				
14	6.5 Historic heritage	Support with amendment	Provision should be made for Council to work collaboratively with stakeholders in the management of historic heritage. Such collaboration is an important way to facilitate the	That the following be added to 6.5: <u><i>32. Consider opportunities for collaboration with stakeholders on the protection and conservation of</i></u>

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			protection and conservation of historic heritage.	<i>historic heritage.</i>
15	6.5 Historic heritage 21	Support with amendment	Along with advocating to other organisations regarding the updating of databases and records of historic heritage, Council should also regularly review and update Schedule 7 in the Plan. This is important for ensuring that historic heritage added to the List in the future are protected under the Plan.	The following be added to 6.5 after paragraph 21: <i><u>22. Regularly review and update Schedule 7 [Historic heritage] to reflect the latest information; for example, new entries on the New Zealand Heritage List / Rārangī Kōrero and new sites of significance identified by iwi and/or hapū.</u></i>
16	Historic heritage 29	Support with amendment	Silent files can be problematic as they are still subject to the Local Government Official Information and Meetings Act 1987, meaning that they are technically available to the public. An alternative approach is for iwi/hapū to be the sole holder of their detailed records of confidential sites and simply have indicative markers on the planning maps that show there is a confidential site of significance somewhere on a property or within a given area. This can then point to the relevant iwi and/or hapu that should be consulted with. Through this consultation the iwi and/or hapu can identify if a site of significance would be adversely effected.	That Council note the potential issues with silent files and consider using indicative markers on planning maps and consultation with iwi and/or hapū instead.
17	Historic heritage 31	Support with amendment	Council should specify how tangata whenua are to be represented, especially how representatives will be chosen.	Council provide guidance on how tangata whenua representatives will be chosen.
8. Regional rules				
18	Rule 31(j)	Support with amendment	There is a potential for temporary structures and temporary exclusive operation to adversely affect historic heritage; for example, if it is within an area of a historically important ship wreck, or within a site of significance to Māori. Accordingly, the standard should be amended to ensure that no structure or activity is located within the site of historic heritage identified in Schedule 5.	That standard (j) be amended as follows: (j) activity does not have an adverse effect on the values associate with historic heritage identified in Schedule 5 [Historic heritage] <u>and structures and activities are not to be placed at any site identified in Schedules 5;</u>

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	Rule 51	Support with amendment	Any disturbance of the foreshore or seabed has the potential to adversely affect historic heritage, especially sites of significance to Māori and archaeological sites, for example by the exposure of koiwi or damage to subsurface material from compaction. Accordingly, it is important that such activities go through a resource consenting process to ensure the proper controls are put in place.	That the following standard be added: <i><u>(f) disturbance does not occur within a site included in Schedule 5 [Historic heritage].</u></i>
Definitions and acronyms				
20	New definition		Alteration is referred to in a number of rules relating to structures in the coastal environment. This term can be interpreted in a variety of ways, so a specific definition would aid in plan interpretation.	That the following be definition be added: <i><u>Alteration – in relation to buildings, means any changes to the fabric or characteristics of a structure involving, but not limited to, the removal and replacement of walls, windows, ceilings, floors or roofs, either internally or externally and includes any sign attached to the structure.</u></i> <i><u>Alteration - in relation to structures, means any changes to the function, layout, or appearance of a structure without changing its physical dimensions.</u></i>
21	New definition		A specific definition for 'repair' would aid in the interpretation of the Plan.	That the following definition be added: <i><u>Repair (of Historic heritage) means the restoration to good or sound condition of any existing structure (or any part of an existing structure) for the purpose of its maintenance.</u></i>
22	Maintenance		There is no definition of maintenance in the Plan. A definition is that maintenance means the ongoing protective care of a place.	Include the definition of maintenance: <i><u>Maintenance means the ongoing protective care of a place.</u></i>

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Schedule 5 – Significant h Historic heritage			
23	Schedule 5A – title	While the contents of this schedule currently focus on archaeological sites and historic areas, it should not preclude the addition of built heritage. Accordingly, the schedule’s name should be broadened.	That the following amendment be made: Schedule 7A – Archaeological sites of significance, <u>built heritage</u> and historic areas
24	Schedule 5A	<p>The introductory paragraph states that site locations are only approximate and do not provide a definitive location or extent of the sites. This introduces considerable ambiguity to the Plan, especially for the archaeological sites, and will make it difficult for applicants to determine the status of their activities. Accordingly Council should define the extent of these sites by mapping specific polygons on the planning maps, whereby relevant development within these polygons triggers the relevant plan rules. If exact locations are not known, buffer zones should be used.</p> <p>How the sites are identified on the maps does not provide sufficient detail to work out what specific site it refers to as only a generic name is given; e.g., ‘wharf’. This makes it very hard to connect the scheduled sites with the sites on the overall map and especially the sites on the more detailed maps. The reference numbers for sites should be included on the maps to address this.</p> <p>The railway wharf at Waitara identified in the Scoping Study, is not included in the schedule. Heritage New Zealand seeks clarification on why this site was not included.</p> <p>Finally, the Scoping Study is now somewhat out of date as it was completed in 2012. Since then more detail, for example new NZAA references, have become available. The study should be updated to reflect the latest information.</p>	<p>That Council address the following matters:</p> <ul style="list-style-type: none"> • the lack of mapped extents for scheduled sites; • the inability to connect sites on the maps with specific scheduled sites; • the lack of dates for some sites; • rationale for why two sites in the Scoping Study where not included in the schedule; • the Scoping Study being updated.
25	Schedule 7B	Many sites of significance to Māori identified in Schedule 7B	That Council utilise polygons on the planning maps to

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		have not been accurately mapped on the relevant maps and some are not on the maps at all. For the same reasons put forward in feedback point 46, it is important that Council accurately define sites with polygons.	more accurately define the extent of the sites of significance to Māori in Schedule 7B.
26	Schedule 7B – Ohunuku	This site is also a registered wāhi tapu under the New Zealand Heritage List / Rārangi Kōrero. Accordingly, it's extent has been accurately mapped. This extent should inform the creation of a polygon on the planning maps, rather than a simple cross. Please note that consultation with Ngāruahine should also inform this mapping.	That the attached map of Ohunuku inform the creation of a polygon on the relevant planning map.



Extent includes part of the land described as Pt Ohunuku Blk (CT TN7/202, *NZ Gazette* 1939 p.2059); Pt Crown land SO 406 (marginal strip); Pt seabed, Taranaki Land District and the taunga waka, whare waka, ara hikoi, mahinga mara, manga rere, and cliff faces containing ana koiwi, which are all interconnected.

Attachment 2: Heritage New Zealand Pouhere Taonga Example Archaeological Requirements Schedule

Schedule of Archaeological Requirements

This Schedule sets out information to alert the public to their responsibilities regarding archaeological sites. This is relevant with regard to:

- 1) Demolition / destruction of any structure associated with human activity prior to 1900, whether or not it is scheduled in the Marlborough Environment Plan as historic heritage.
- 2) Earthworks or other works that may disturb pre-1900 surface or sub-surface archaeological sites or material.

An archaeological site is as defined by the Heritage New Zealand Pouhere Taonga Act 2014 as being:

- a) any place in New Zealand, including any building or structure (or part of a building or structure), that:
 - i. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and
 - ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand

It is also possible for Heritage New Zealand Pouhere Taonga (Heritage New Zealand) to declare a post-1900 site as an archaeological site.

Consent required from Heritage New Zealand

An authority (consent) from Heritage New Zealand should be obtained prior to the commencement of works noted in (1) or (2) above, and preferably before submitting any resource consent application. It is an offence to modify or destroy an archaeological site, or demolish / destroy a whole building, without an authority if the person knew or ought to reasonably suspect it to be an archaeological site. For further information, contact Heritage New Zealand. The relevant legislation is the Heritage New Zealand Pouhere Taonga Act 2014, in particular sections 42 and 44 of that Act.

Known or suspected archaeological sites

The following resources may assist in determining if an archaeological site is or may be present:

- Historical heritage items scheduled in the Taranaki Coastal Plan
- Sites listed by the New Zealand Archaeological Association's Archaeological Site Recording Scheme (Latest information is on the NZAA website) at www.archsite.org.nz.
- Written and oral histories of the area, including those of Tangata Whenua

Archaeological discovery without an authority (Protocol)

If an authority has not been obtained and there was no reasonable cause to suspect archaeological sites are present (if there is reasonable cause then an authority should be obtained), the following protocol must be followed when an archaeological site is discovered:

- i. immediately cease operations;
- ii. inform the Heritage New Zealand and the relevant iwi authorities, if koiwi are discovered also inform the New Zealand Police;
- iii. apply for the appropriate authority, if required;
- iv. inform the Council and apply for the appropriate resource consent, if required;
- v. take appropriate action, after discussion with the Heritage New Zealand, Council and relevant iwi authority.



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27 April 2018

SUBMISSION TO THE TARANAKI REGIONAL COUNCIL'S PROPOSED COASTAL PLAN FOR TARANAKI BY TE KOTAHITANGA O TE ATIAWA TRUST

Tēnā koe Basil,

1. On behalf of Te Kotahitanga o Te Atiawa Trust (the Trust) and Hapū of Te Atiawa Iwi (Hapū) we appreciate the opportunity to provide comment on Taranaki Regional Council's (TRC) Proposed Coastal Plan for Taranaki (the Plan).
2. The Trust seek to be heard in relation to this submission.

Te Atiawa Coastal Marine Area

3. Te Atiawa Iwi and Hapū exercise mana whenua and mana moana over the ancestral lands, waters, taonga species, wāhi tapu and wāhi taonga within the Te Atiawa rohe. Te Atiawa Iwi and Hapū have a strong historical, cultural and spiritual connection with this rohe, its maunga, awa, takutai moana and taonga species. Our environment is a part of who we are. As kaitiaki we have the responsibility of ensuring the mauri of these environmental and cultural resources is protected and enhanced.
4. The Te Atiawa Iwi Claims Settlement Act 2016 recognises the coastal marine area of Te Atiawa rohe as extending from Te Rau o Te Huia to the Herekawe Stream and offshore out to 12 nautical miles. The Statutory Acknowledgement areas recognised in the above Act and those that are affected by the Plan are as follows:
 - Te Atiawa Coastal Marine Area adjoining the landward area of interest;
 - Herekawe Stream and its Tributaries;
 - Huatoki Stream and its Tributaries;

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- Kowhangamoku Stream and its Tributaries;
- Manganui River and its Tributaries;
- Mangati Stream and its Tributaries;
- Manu Stream and its Tributaries;
- Motukari Stream and its Tributaries;
- Onaero River and its Tributaries;
- Parahaki Stream and its Tributaries;
- Tapuae Stream and its Tributaries;
- Te Henui Stream and its Tributaries;
- Waiau Stream and its Tributaries;
- Waihi Stream and its Tributaries;
- Waihowaka Stream and its Tributaries;
- Waiongana Stream and its Tributaries;
- Waiongana Stream Conservation Area;
- Waipapa Stream and its Tributaries;
- Waipu Stream and its Tributaries;
- Waitaha Stream and its Tributaries;
- Waitara River and its Tributaries;
- Waitara West Marginal Strip;
- Waiwhakaiho River Mouth (Crown Land Conservation Area); and
- Waiwhakaiho River and its Tributaries.

General matters in relation to the Plan

Process of consultation of the Plan

5. In a submission dated 18 November 2016 (see *Appendix 1*), the Trust requested that the TRC commit to a process of consultation and adopt an engagement model to provide iwi and hapū the opportunity to review and feedback on the Draft Coastal Plan for Taranaki. The Ngā Kaitiaki rūpū also requested that the TRC utilise the Ngā Kaitiaki engagement model. The TRC responded in a letter dated 3 May 2017 (see *Appendix 2*) stating that the Council wished to continue engaging with iwi authorities as per the RMA and irrespective of amendments to the RMA which included provisions for Mana Whakahono a Rohe: Iwi participation agreements.

Trust and Hapū require that the TRC commit to these consultation requirements to review and feedback on future plans.

Notification as an affected party to sites identified in the Plan

6. The Trust and Hapū require that iwi are notified as an affected party to any activities occurring within, adjacent to, or impacting directly on Statutory Acknowledgement areas (as recognised in the Te Atiawa Iwi Claims Settlement Act 2016) and historic heritage sites in the coastal marine area as identified in Schedule 5.

On 12 October 2017, representatives of the Trust and other iwi met with the TRC to clarify the issue of affected party status. During this meeting, iwi

representatives understood that the TRC agreed to iwi being notified as an affected party to any activities occurring within, adjacent to, or impacting directly on sites of cultural significance in the coastal marine area. However, a letter received from the TRC on 30 October 2017 showed that this was not the Council's understanding (see *Appendix 3*).

The Trust and Hapū require clarity around what criteria the Council planners will use to identify iwi as an affected party for the rules outlined in the Plan. This will also enable iwi to make relevant responses to the Council's requests for comment.

Submission to Taranaki Regional Council's 2018/2028 Long-Term Plan - Working together with Māori

7. In a submission to the TRC's 2018/2028 Long-Term Plan dated 6 April 2018 (see *Appendix 4*), the Trust and Hapū requested that the TRC implement consultation mechanisms to work together with Māori, including Māori involvement in decision making processes. Below are some of the mechanism which will be relevant for the Plan at hand:
 - a. co-designed and resourced Memorandum of Understanding and Mana Whakahono a Rohe Agreement;
 - b. co-designed and resourced tangata whenua engagement model to review and respond to policy and consents;
 - c. co-designed policy and consent processes;
 - d. integration of Māori cultural values/guiding principles into the forefront of the Long-Term Plan, which will provide the foundation for TRC's relationship with Māori;
 - e. provision for TRC councillors, and Council senior management and staff to participate in training facilitated by iwi to understand the meaning of the Māori cultural values/guiding principles stated above;
 - f. Provision for opportunities for Māori to gain experience, training and skill development within the Council's work programmes and activities;
 - g. Annual review of the effectiveness of the co-designed Memorandum of Understanding, Mana Whakahono a Rohe Agreement and policy and consent processes; and
 - h. Development of a Te Ao Māori framework.

Specific matters in relation to the Plan

*Note: where amendments are sought, additions will be in **bold** text and text to be removed will be ~~strikethrough~~.*

Section 1 - Introduction

Guiding principles for the management of the coast

8. The Trust and Hapū require the reinstatement of the guiding principles at the forefront of the Plan. This will provide the foundation for this document and for the Councils relationship with Tangata Whenua. The Trust and Hapū are comfortable with the guiding principles outlined in the draft version of the Plan,

however we seek to see them better reflected throughout the Plan, specifically in Section 8 – Regional rules. Further, the Trust and Hapū encourage the TRC councillors, and Council senior management and staff to participate in training facilitated by iwi to understand these guiding principles in the context of their work.

Section 2 – Statutory and planning framework

9. The Trust and Hapū support the objectives and policies within the higher order policy documents that govern the conduct of the Plan (the RMA, New Zealand Coastal Policy Statement 2010, Marine and Coastal Area (Takutai Moana) act 2011, Resource Management (Marine Pollution) Regulations 1998 and other legislation) however require the addition of Iwi settlement legislation in Section 2.5 - Other Legislation. The Te Atiawa Iwi Claims Settlement Act 2016 is our foundation document and listing this in the Plan will provide recognition for us as mana whenua and as kaitiaki of the Te Atiawa coastal marine area.
10. The Trust and Hapū suggest that it may be useful for users of the Plan to know that the iwi of Taranaki have claims before the Crown for both customary marine title and protected customary right (Section 2.3). It may also be useful to explain to the community what these statutory acknowledgements will mean.

Section 3 – Coastal management

3.1 Taranaki coastal environment

11. The Trust and Hapū support the discussions on the coastal environment which include integrated management, coastal water quality, appropriate use and development, natural and historic heritage, tangata whenua values and relationships, public amenity and enjoyment and coastal hazards.

3.2 Managing the Taranaki coastal environment

12. The Trust and Hapū support how the Taranaki Regional Council intend to manage the Taranaki Coastal environment as outlined in *Matters 1-7*, however require the following amendment to *Matter 6 'Ensuring people can continue to access, use and enjoy the Taranaki Coast **where cultural values are not adversely impacted upon**'*.

This amendment aligns with policies in the draft Te Atiawa Iwi Environmental Management Plan (draft Te Atiawa Iwi EMP), specifically our opposition to increasing public access to the coast where there is potential for our cultural values to be adversely impacted upon.

Section 4 – Objectives

13. The Trust and Hapū support *Objectives* for managing Taranaki's coastal environment, however require the following amendments align with policies within the draft Te Atiawa Iwi EMP:

Objective 10: Treaty of Waitangi

'Give effect to the principles of the Treaty of Waitangi, including the principles of kawanatanga, rangatiratanga, partnership, active participation, resource development and spiritual recognition, ~~are taken into account~~ in the management of the coastal environment'.

Objective 12: Public use and enjoyment

*'People's use and enjoyment of the coastal environment, including amenity values, traditional practices and public access to and within the coastal environment is maintained and enhanced **without adversely impacting on cultural values**'.*

Section 5 – Policies

The Trust and Hapū are generally supportive of the policies outlined in the Plan, however we require that the following amendments are made to strengthen these policies:

* Additions are in **bold** text and text to be removed is ~~strikethrough~~

Sub. ref.	Policy / Clause	Amendments sought *	Reason for amendment
14.	Policy 1: Coastal management areas / Clause 1(b): Estuaries Unmodified Clause 1(c): Estuaries Modified	<u>Add</u> 'valued by Māori for mahinga kai' to descriptions of estuaries unmodified and estuaries modified.	Waiwhakaiho and Waitara estuaries provide important habitats for some of the most valuable mahinga kai areas and mahinga kai species in Te Atiawa's rohe.
15.	Policy 2: Integrated Management / Clause 2(a)	<i>'implementing policies under section 5.1 of the Plan in managing the effects of activities (positive and negative adverse) undertaken in the coastal marine area on significant values and characteristics of the wider coastal environment;</i>	Using the word 'adverse' will make it consistent with the RMA and other wording in the Plan.
16.	Policy 3: Precautionary Approach	<i>Adopt a precautionary approach, which may include using an adaptive management approach, where the effects of any activity on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.</i>	This wording provides certainty on how effects will be managed.
17.	Policy 5: Appropriate Use and development of the coastal environment / Clause 5(d)	<u>Reinstate</u> policy from the draft plan and remove reference to 'significant' below: <i>'avoiding, remedying or mitigating adverse effects on the values and attributes of coastal areas of outstanding value, significant indigenous biodiversity and significant historic heritage and significant amenity values in accordance with policies 8,11,12 and 15.</i>	This policy is an important part of the draft policy and therefore we require its reinstatement. Further, we request the removal of the wording 'significant' when referencing Historic Heritage because this will provide greater protection for these natural and physical resources.
18.	Clause 5(j)(iii)	<i>'the efficacy of measures to avoid, remedy or mitigate such effects, or provide environmental compensation where effects cannot be avoided, remedied or mitigated.'</i>	This wording is consistent with wording throughout the policy section and should be used in this instance.

19.	Policy 9: Natural character and natural features and landscapes / Clause 9(a)(vi)	"maintain the integrity of cultural and historic heritage'	This wording is consistent with wording throughout the policy section and reflect the values associated with sites of significance in Schedule 5B.
20.	Policy 11: Coastal water quality / Clause 11 (b)	No amendment sought.	We <u>support</u> this policy to 'Maintain and enhance coastal water quality by avoiding, remedying and mitigating the adverse effects of activities on:' and specifically clause '(b) the mouri and wairua of coastal water'. Identification of these values in the Plan will aid in TRCs recognition and understanding of Te Atiawa's role as kaitiaki of the coastal marine area.
21.	Policy 14: Indigenous Biodiversity Add clause 14(a)(vii)	<u>Add</u> clause ' 14(a)(vii) Taonga species as identified by tangata whenua'	This will provide recognition that only tangata whenua can identify these species and their importance.
22.	Add clause 14(c)	<u>Add</u> clause ' 14(c) recognise and provide for the role of tangata whenua as kaitiaki, when identifying and managing significant areas of indigenous biodiversity in the Coastal area'	Any regional plan must take into account tangata whenua role as kaitiaki when assessing indigenous biodiversity as per Policy 7 of the Draft National Policy Statement on Indigenous Biodiversity.
23.	Policy 15: Historic Heritage / Clause 15(b)	<i>avoiding significant—adverse effects, and avoiding, remedying and mitigating other adverse effects on the values associated with sites of significance to Māori identified in Schedules 5A and 5B;</i>	This will allow for greater protection of the values associated with sites of significance to Māori identified in Schedules 5A and 5B.
24.	Add clause	<u>Add</u> clause ' 15(d)(x) evidence supplied by tangata whenua including that of kaumatua and pukenga' .	This will provide recognition that tangata whenua who hold knowledge and mātauranga Māori are experts in their own right.
25.	Policy 16: Relationship of tangata whenua	<u>Add</u> 'The Taranaki Regional Council will provide opportunities for tangata whenua to actively participate in resource management process, including decision-making , where decisions are being made on issues of significance to tangata whenua by:'	This wording provides clarity with respect to the Councils legal obligation to consult and involve Māori in decision-making.

26.	Clause 16(a)	<i>'taking into account any relevant iwi planning documents and consider providing practical assistance to iwi or hapu who have indicated a wish to develop iwi/hapu resource management plans'</i>	This will provide recognition of tangata whenua and enable participation as per Policy 2 of the New Zealand Coastal Policy Statement.
27.	Add clause	<u>Add '16(k) provide for review conditions on coastal permits where necessary to address unforeseen adverse effects on sites of significance to Māori as in Schedule 5 which may arise from the exercise of the consent'.</u>	As above.
28.	Add clause	<u>Add '16(l) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters and fisheries in the coastal environment through such measures as:</u> <ul style="list-style-type: none"> I. Bringing cultural understanding to monitoring of natural resources II. Providing appropriate methods for the management, maintenance and protecting of the taonga of tangata whenua III. Having regards to regulations, rules or bylaws relating to ensuring sustainability of fishing resources such as taiapure, mahinga mataitai or other non-commercial Maori customary fishing'. 	As above.
29.	Policy 17: Public Access / Clause 17(b)	<i>'Promoting the enhancement or restoration of public access including for the connection of areas of public open space, access to mahinga kai, access to sites of historical and/or cultural importance, improving outdoor recreation opportunities, access to surf breaks and providing access for people with disabilities; and'</i>	The Trust and Hapū do not support increasing public access to sites of significance as detailed in Schedule 5(b).

30.	Policy 18: Amenity values	<u>Replace</u> Schedule 5 with Schedule 5A and 5B. <u>Add</u> Schedule 4A.	This wording will provide further protection.
31.	Policy 19: Surf breaks and significant surfing area	<u>Amend</u> to ensure that the protection of the surf breaks is not incompatible with the traditional cultural uses expressed by Māori in Schedules 5B.	This will provide greater protection for Māori sites of significance and associated cultural values.
32.	Policy 22: Discharge of water or contaminants to coastal waters	'Discharges of water or contaminants to water in the coastal marine area will must.'	This wording is stronger and will ensure that discharge of water and contaminants to water in the coastal marine area is managed appropriately.
33.	Policy 24: Discharge of treated wastewater containing human sewage	Discharges of treated wastewater containing human sewage to coastal water will only occur Discharges of treated wastewater containing human sewage will <u>not</u> be allowed.	The Trust and Hapū do not support the disposal of treated or untreated human sewage to any water body.
34.	Policy 25:	'New discharges of treated wastewater containing human sewage will not occur not be allowed in the coastal management areas: Outstanding Value, Estuaries Unmodified, Estuaries Modified and Port.'	As above.
35.	Policy 26: Improving existing wastewater discharges / Clause 26(b):	No amendment sought.	The Trust and Hapū <u>support</u> the wording 'no further consents will be granted'.
36.	Policy 27: Discharge of Storm Water Clause 27(a)(iii)	'the use of measures (which may include including treatment) to prevent or minimize contamination of the receiving environment;'	The use of this wording provides more certain around how stormwater discharges will be managed.
37.	Clause 27(a)(v)	'integrated management of whole stormwater catchments and stormwater networks where appropriate '	As above.
38.	Add Clause 27(a)(vi)	<u>Add</u> clause '(vi) location of the discharge in relation to sensitive areas. '	As above.
39.	Clause 27(b)	' avoiding, where practicable, and otherwise remedying avoid cross contamination of sewage and stormwater systems; and'	As above.

40.	Policy 29: Impacts from offshore petroleum drilling and production	Activities associated with petroleum drilling and production in the coastal marine area will be managed to avoid, remedy or mitigate adverse environmental effects associated with accidental any discharges by ensuring:'	This wording ensures management of all discharges, including operational, not only those associated with an unplanned event.
41.	Policies 31 to 39 (Structures)	Include reference to Schedule 5B to provide assurance that structures are not placed within the sites of significance.	The Trust and Hapū would like to see a recognition of the Takutai Moana Act 2011 and assurance that Māori sites of significance will be protected.
42.	Policy 38: Removal of coastal structures	'Decommissioning and removal of any new structure will must be planned for as part of the initial design and installation.' 'Structures will must be removed from the coastal marine area at the expiry of their authorisations or at the end of their useful lives, unless one or more of the following applies:'	This wording provides more certainty that these structures will be decommissioned and removed.
43.	Policy 42: Disturbance of the foreshore or seabed	Confirmation sought.	The Trust and Hapū would appreciate confirmation that the disturbance referred to in Policy 42, is that covered by policies 40,41, 43 and 44 and does not relate to commercial activity.
44.	Policy 44: Extraction or deposition of material	Amend to exclude areas and resources identified in Schedules 2, 4A and B, 5A and B and 6. Further, amend to exclude areas subject to a crown application or settlement under the Takutai Moana Act 2011.	The Trust and Hapū would like to these areas and resources protected.

Section 8 – Regional rules

The Trust and Hapū are concerned that the objectives and policies outlined above are not reflected throughout the rules, therefore we require that the following amendments are made to the rules:

* Additions are in **bold** text and text to be removed is ~~strikethrough~~

8.1 Discharges

Sub. ref.	Rule / Activity	Coastal Management Area (CMA)	Activity Classification	Amendments sought *	Reason for amendment
Stormwater discharges					
45.	Rule 1: Stormwater discharge into water or onto land in the coastal marine area	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast	Permitted	<p>(i) cover a total area of 2 ha or less; and</p> <p>Permitted to discretionary for coastal management areas (CMA):</p> <ul style="list-style-type: none"> - Outstanding Value; - Estuaries Unmodified; and - Estuaries Modified. <p>(i) the discharge does not render marine organisms unsuitable for human consumption within recognised mātaihai reefs/resources;</p>	<p>Storm water discharged from an industrial or trade premises should be assessed in terms of discharge constituents, volume and frequency, and the associated environmental impacts. Land size (2 ha or less) should not be a consideration when assessing discharges of this nature.</p> <p>Many of these CMA within the Te Atiawa rohe have associated cultural values and therefore the Trust and Hapū <u>require</u> that the activity classification is elevated to discretionary. This will provide iwi the opportunity to be involved in the decision-making process and ensure conditions of consent are monitored.</p> <p>It is noted that in some instances the full extent of mātaihai reefs/resources have not been mapped and therefore the Trust and Hapū <u>require</u> that this rule apply to all marine organisms.</p>
Petroleum dispersant use					
46.	Rule 4: Petroleum dispersant discharge into water or onto land in the coastal marine area in the event of a natural	Port	Permitted	<u>Add</u> condition (d) iwi are notified as soon as is practicable after the event.	The Trust and Hapū understand the urgency of spill response however <u>require</u> that iwi are notified of this activity.

	marine oil seep resulting from capital dredging.				Similarly, if dispersants are used in the Open Coast we would expect this activity to be discretionary.
Untreated human sewage discharges					
47.	Rule 5: Untreated human sewage discharge into water or onto land in the coastal marine area;	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Prohibited	No amendment sought.	The Trust and Hapū <u>support</u> this rule.
Wastewater treatment plant discharges					
48.	Rule 6: Continuation of existing wastewater discharge that contains treated human sewage, into water or onto land in the coastal marine area after its consent expires;	Estuaries Modified Open Coast	Discretionary	Discretionary to Prohibited	Discharging treated human sewage into water or onto land in the coastal marine area is not acceptable to us. The Trust and Hapū <u>oppose</u> the continuation of these activities after consent expires.
Untreated human sewage discharges					
49.	Rule 7: New wastewater discharge that contains treated human sewage, into water or onto land in the coastal marine area;	Open Coast	Discretionary	Discretionary to Prohibited	The Trust and Hapū <u>oppose</u> new wastewater discharge that contain treated human sewage, into water or onto land in the coastal marine area and encourage alternate disposal methods which do not result in discharging to the coastal marine area.
50.	Rule 8: New wastewater discharge that contains treated human sewage, into water or onto land in the coastal marine area;	Outstanding Value Estuaries Unmodified Estuaries Modified Port	Prohibited	No amendment sought.	The Trust and Hapū <u>support</u> this rule.
Sampling and cleaning biofouling					
51.	Rule 9: Sampling, scraping and/or cleaning of biofouling from the part of a ship, moveable object or navigation aid that is normally below the water surface, involving the discharge of a substance into water in the coastal marine area	Port	Permitted	Permitted to Controlled	There is no way of monitoring this activity and we are not convinced these conditions will be adhered to. We <u>require</u> that this activity is elevated from permitted to controlled. This will allow Council to reserve control over certain matters and ensure these matters are met by users of the Plan.

	and any associated: deposition on the foreshore or seabed.				
Seismic surveying and bathymetric testing					
52.	Rule 12: Seismic surveying or bathymetric testing involving discharge of energy into water in the coastal marine area and any associated noise.	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	Permitted to Discretionary . <u>Add</u> condition ensuring no adverse effects on cultural values associated with sites identified in Schedules 5A and 5B.	Noise and vibration associated with seismic surveying and bathymetric testing may result in adverse impacts on taonga species such as kororā and tohorā. Given this, the Trust and Hapū <u>require</u> that this activity is elevated from permitted to discretionary. This will provide iwi the opportunity to be involved in the decision-making process and ensure conditions of consent are monitored.

8.2 Structures and occupation

Sub. ref.	Rule / Activity	Coastal Management Area	Activity Classification	Amendments sought *	Reason for amendment
Outfall structure placement					
53.	Rule 18: Outfall structure placement and any associated...	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	Amend condition to read Schedules 5A and 5B.	The Trust and Hapū acknowledge the inclusion of Schedules 5A, 5B, and 4A, however we are uncertain as to how TRC will ensure that these requirements are being met. Given this, we <u>request</u> dialogue with the Council about how this will be achieved or alternatively <u>require</u> that the activity classification is elevated to controlled.
Mooring structure placement					
54.	Rule 19: Mooring structure placement that does not require excavation of the foreshore or seabed and any associated...	Port	Permitted	No amendment sought.	The Trust and Hapū <u>support</u> this rule.
55.	Rule 20: Mooring structure placement for monitoring and sampling equipment that does not require excavation of the foreshore or seabed and any associated...	Outstanding Value Estuaries Unmodified Estuaries modified Open Coast Port	Permitted	Amend condition to read Schedules 5A and 5B.	The Trust and Hapū acknowledge the inclusion of Schedules 5A, 5B, and 4A, however we are uncertain as to how TRC will ensure that these requirements are being met. Given this, we <u>request</u> dialogue with the Council about how this will be achieved or alternatively <u>require</u> that the activity classification is elevated to controlled.
Navigation aid erection or placement					
56.	Rule 21: Maritime navigation aid erection or placement that does not require	Outstanding Value Estuaries Unmodified	Permitted	Amend condition to read Schedules 5A and 5B.	The Trust and Hapū acknowledge the inclusion of Schedules 5A, 5B, and 4A, however we are

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	excavation of the foreshore or seabed and any associated..	Estuaries Modified Open Coast Port			uncertain as to how TRC will ensure that these requirements are being met. Given this, we <u>request</u> dialogue with the Council about how this will be achieved or alternatively <u>require</u> that the activity classification is elevated to controlled.
Network utility structure erection or placement					
57.	Rule 22: Network utility structure erection or placement where the structure is...	Estuaries Unmodified Estuaries Modified Open Coast Port	Controlled	Controlled to Discretionary	Erection or placement of network utilities may require long-term occupation of the common marine and coastal area. Given this, the Trust and Hapū <u>require</u> that this activity is elevated to discretionary to provide iwi the opportunity to be involved in the decision-making process and allow from consent monitoring.
Port launching, mooring or berthing structure erection or placement in the Port					
58.	Rule 23: Launching, mooring or berthing structure erection or placement excluding...	Port	Controlled	Controlled to Discretionary	Erection or placement of network utilities may require long-term occupation of the common marine and coastal. Given this, the Trust and Hapū <u>require</u> that this activity is elevated to discretionary to provide iwi the opportunity to be involved in the decision-making process and allow from consent monitoring.
Structure used for whitebaiting					
59.	Rule 24: Erection or placement of a structure used for whitebaiting.	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Prohibited	No amendment sought.	The Trust and Hapū <u>support</u> this rule.
Exploration or appraisal well drilling					
60.	Rule 26: Exploration or appraisal well drilling by an offshore installation or drilling ship, or directional drilling by a land based drilling rig, and placement of a well structure in, on, under or over the foreshore or seabed...	Open Coast Port	Controlled	Controlled to Discretionary Amend condition to read Schedules 5A and 5B.	The placement of exploration and appraisal structures in, on, under or over the foreshore and seabed may impact on taonga species such as tohorā and their migratory routes. Given this, we <u>require</u> that this activity be elevated from controlled to discretionary to provide iwi the opportunity to be involved in the decision-making process and allow from consent monitoring.

				<p>(c) drilling is not undertaken in the airspace above and in the ground below to the earth's core within any site identified in Schedule 5 [Historic heritage];</p> <p>(e) drilling is undertaken at least 2,000 m 6,000m from the line of mean high water springs..</p>	<p>The wairua of a Historic Heritage site exists not only in the vicinity of the site but occupies the airspace above and the ground below to the earth's core. Given this, the Trust and Hapū <u>require</u> addition of the following wording '<i>in the airspace above and in the ground below to the earth's core within any site identified</i>'.</p> <p>Many mātaimai/reef resources extend beyond 2,000m and therefore the Trust and Hapū <u>require</u> that the minimum distance from the line of mean high water springs is 6,000m.</p>
61.	Rule 27: Exploration or appraisal well drilling by an offshore installation or drilling ship, or directional drilling by a land based drilling rig, and placement of a well structure in, on, under or over the foreshore or seabed...	Open Coast Port	Discretionary	Seek inclusion of conditions (c) and (e) as stated above in Rule 26 .	Reasons as stated above in Rule 26 .
62.	Rule 28: Exploration or appraisal well drilling by an offshore installation or drilling ship, or directional drilling by a land based drilling rig, and placement of a well structure in, on, under or over the foreshore or seabed...	Outstanding Value Estuaries Unmodified Estuaries Modified	Non-complying	No amendment sought.	The Trust and Hapū <u>support</u> this rule.
63.	Rule 29: Petroleum production installation erection or placement, including drilling of any production wells and placement of any pipelines, in, on, under or over the foreshore or seabed	Open Coast Port	Discretionary	Seek inclusion of conditions (c) and (e) as stated above in Rule 26 .	Reasons as stated above in Rule 26 .
64.	Rule 30: Petroleum production installation erection or placement including drilling of any production wells and placement of any pipelines, in, on, under or over the foreshore or seabed...	Outstanding Coastal Estuaries Unmodified Estuaries Modified	Non-complying	No amendment sought.	The Trust and Hapū <u>support</u> this rule.
Network utility structure repair, alteration or extension					

65.	Rule 37: Lawfully established network utility structure repair, alteration or extension where the structure is: ...	Estuaries Unmodified Estuaries Modified Open Coast Port	Controlled	Iwi notified as an affected party Amend condition to read Schedules 5A and 5B.	The Trust and Hapū <u>require</u> notification as an affected party when existing lawfully established structures are extended as a controlled activity.
<i>Ports wharves or breakwaters and attached structures, maintenance, repair or alteration</i>					
66.	Rule 39: Existing lawfully established structure maintenance, repair or alteration where the activity relates to that part of the wharves or breakwaters that is normally above the water surface including any attached structures, and relates directly to port company operations and any associated:	Port	Permitted	No amendment sought.	The Trust and Hapū <u>support</u> this rule.
67.	Rule 40: Existing lawfully established structure maintenance, repair or alteration where the activity relates to that part of the wharves or breakwaters that is normally above the water surface including any attached structures... any activity does not come within or comply with Rule 39...	Port	Controlled	No amendment sought.	The Trust and Hapū <u>support</u> this rule.
<i>Ports launching mooring or berthing structure repair, alteration or extension</i>					
68.	Rule 41: Existing lawfully established launching, mooring or berthing structure repair, alteration or extension excluding:...	Port	Controlled	Notification as an affected party.	The Trust and Hapū <u>require</u> notification as an affected party when existing lawfully established structures are extended as a controlled activity.
<i>Structure removal or demolition</i>					
69.	Rule 44: Structure removal or demolition that does not involve the use of explosives, excluding: a) Waitara and Pātea River control arms; b) Main Breakwater or Lee Breakwater; and	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	Permitted to Controlled	Removal and demolition activities can result in adverse impacts on sites of significant ecological value and Historic Heritage. Given this, the Trust and Hapū <u>require</u> that this activity is elevated to controlled, so Council can ensure that requirements are being met by users of the Plan.

	c) petroleum production installations and pipelines;				
70.	Rule 45: Structure removal or demolition excluding: d) Waitara and Pātea River control arms; e) Main Breakwater or Lee Breakwater; and f) petroleum production installations and pipelines;	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Controlled	Controlled to Discretionary	Removal and demolition activities using explosives can result in adverse impacts on sites of significant ecological value and Historic Heritage. Given this, the Trust and Hapū <u>require</u> that this activity is elevated to discretionary to provide iwi the opportunity to be involved in the decision-making process and allow from consent monitoring.

Continued occupation

71.	Rule 48: Continued occupation of the common marine and coastal area, with an existing lawfully established structure, where the occupation was a permitted activity at the time of placement or erection.	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	Permitted to Restricted Discretionary	The Trust and Hapū seek that the continued placement of structures are assessed in accordance with the rules of this Plan. Given this, we <u>require</u> that this activity is elevated to Restricted Discretionary.
72.	Rule 49: Continued occupation of the common marine and coastal area, with an existing lawfully established structure after its consent expires, where the occupation was a controlled activity at the time of placement or erection.	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Controlled	Permitted to Restricted Discretionary	The Trust and Hapū seek that the continued placement of structures are assessed in accordance with the rules of this Plan. Given this, we <u>require</u> that this activity is elevated to Restricted Discretionary.

8.3 Disturbance, deposition and extraction

Clearance of outfalls, culverts and intake structures

73.	Rule 51: Clearance of outfalls, culverts and intake structures involving disturbance of the foreshore or seabed and deposition of materials	Outstanding Value Estuaries Unmodified Estuaries Modified	Permitted	<u>Add</u> the following conditions: a) activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and	The Trust and Hapū seek to protect these areas of significant ecological value and historic heritage sites from any adverse effects.
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	onto the foreshore or seabed and any associated:...	Open Coast Port		uncommon ecosystem type including those identified in Schedule 4A [Significant indigenous biodiversity]; and b) the activity does not have an adverse effect on the values associated with sites of significance to Māori identified in Schedule 5A and 5B.	
Collection of benthic grab samples					
74.	Rule 52: Collection of benthic grab samples for scientific or monitoring purposes involving disturbance of the foreshore or seabed and removal of natural material from the foreshore or seabed and any associated:...	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	Iwi are notified.	The Trust and Hapū <u>require</u> notification about activities that fall under Rule 52.
Burial of dead animals					
75.	Rule 54: Burial of dead animals undertaken by the Taranaki Regional Council, a territorial authority, the Department of Conservation, or agents of those organisations, involving disturbance of the foreshore and seabed and excavation and deposition of material and any associated:	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	<u>Replace 6B with 5B</u>	The Trust and Hapū <u>support</u> this rule (with the minor correction).
Dredging and spoil disposal					
76.	Rule 55: Maintenance or capital dredging to ensure a safe navigational depth within Port Taranaki and its approaches involving disturbance of the seabed and any associated:...	Port	Discretionary	No amendment sought.	The Trust and Hapū <u>support</u> this rule.

77.	Rule 56: Deposition of natural material from port dredging on the foreshore or seabed and any associated:...	Open Coast	Discretionary	<p>Add the following conditions:</p> <p>a) activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant indigenous biodiversity]; and</p> <p>b) the activity does not have an adverse effect on the values associated with sites of significance to Māori identified in Schedule 5A and 5B.</p>	The Trust and Hapū seek to protect these areas of significant ecological value and historic heritage sites from any adverse effects.
Beach replenishment					
78.	Rule 57: Beach replenishment involving deposition of natural material onto the foreshore or	Open Coast	Discretionary	<p>Add the following conditions:</p> <p>a) activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant indigenous biodiversity]; and</p> <p>b) the activity does not have an adverse effect on the values associated with sites of significance to Māori identified in Schedule 5A and 5B.</p>	The Trust and Hapū seek to protect these areas of significant ecological value and historic heritage sites from any adverse effects.
Introduction to exotic plants					
79.	Rule 58: Introduction of any exotic plant onto the foreshore or seabed.	Estuaries Modified	Discretionary	No amendment sought.	The Trust and Hapū <u>request</u> dialogue from the Council with respect to the purpose of

		Open Coast Port			allowing the introduction of exotics into these CMA.
80.	Rule 59: Introduction of any exotic plant onto the foreshore or seabed.	Outstanding Value Estuaries Unmodified	Non-complying	No amendment sought.	The Trust and Hapū <u>support</u> this rule.
<i>Other disturbance, damage, destruction, removal or deposition that is not provided for in Rules 51 to 59</i>					
81.	Rule 60: Disturbance, damage or destruction of the foreshore or seabed including any: a) removal of sand, shell, shingle or other natural material; or b) deposition of material in, on or under the foreshore or seabed	Estuaries Modified Open Coast Port	Discretionary	Discretionary to non-complying for the following CMA: - Estuaries Modified; and - Open Coast	Removal and deposition of sand, shell, shingle or other natural material in these CMA may result in adverse impacts on water quality and taonga species depending on the scale of the activity. The Trust and Hapū seek that this activity is elevated from discretionary to non-complying in these CMA.
82.	Rule 61: Disturbance, damage or destruction of the foreshore or seabed including any: a) removal of sand, shell, shingle or other natural material; or deposition of material in, on or under the foreshore or seabed	Outstanding Value Estuaries Unmodified	Non-complying	No amendment sought.	The Trust and Hapū <u>support</u> this rule.
<i>Other reclamation or drainage that is not provided for in Rule 62</i>					
83.	Rule 63: Reclamation and draining of the foreshore or seabed that does not come within or comply with Rule 62	Estuaries Modified Open Coast Port	Discretionary	<u>Add</u> the following conditions: a) activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in	The Trust and Hapū seek to protect these areas of significant ecological value and historic heritage sites from any adverse effects.

				Schedule 4A [Significant indigenous biodiversity]; and b) the activity does not have an adverse effect on the values associated with sites of significance to Māori identified in Schedule 5A and 5B.	
84.	Rule 64: Reclamation and draining of the foreshore or seabed that does not come within Rule 62.	Outstanding Value Estuaries Unmodified	Prohibited	No amendment sought.	The Trust and Hapū <u>support</u> this rule.

8.5 Taking or use

Taking or use of water, heat or energy					
85.	Rule 65: Taking or use of coastal water or taking or use of any heat or energy from coastal water, excluding water in estuaries.	Outstanding Value Open Coast Port	Permitted	<u>Remove</u> the CMA - Outstanding Value. <u>Add</u> a condition with a water take limit.	Outstanding Value areas within the Te Atiawa rohe have associated cultural values and therefore the Trust and Hapū <u>require</u> that this CMA is removed. Further, we <u>require</u> that a coastal water take limit is set as a condition of this activity.
86.	Rule 66: Taking or use of water from an estuary or aquifer or taking or use of any heat or energy from water in an estuary or aquifer excluding taking or use of water which is allowed by sections 14(3)(d) or (e) of the Act.	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Discretionary	<u>Remove</u> the following CMA: - Outstanding Value; - Estuaries Unmodified; and - Estuaries Modified. <u>Add</u> a condition with a water take limit.	Outstanding Value, Estuaries Unmodified and Estuaries modified within the Te Atiawa rohe have associated cultural values and therefore the Trust and Hapū <u>require</u> that these CMA are removed. Further, the Trust and Hapū <u>require</u> that a water take limit is determined.
General comment					
87.				Amend relevant conditions to read Schedules 5A and 5B.	The Trust and Hapū <u>require</u> that the relevant policies are amended to include both Schedules 5A and 5B. This will provide greater protection for Māori sites of significance.

Definitions and Acronyms

88. Add definition for 'Rahui' – 'a prohibition set by tangata whenua against a particular area or activity, typically one in force temporarily in order to protect a resource.'
89. Amend definition for 'Land' – Add 'includes land covered by water ~~and~~ , **as well as** the air space above land **and the ground below to the earth's core**'.
90. Amend definition for 'Pipeline' – Remove 'and includes all machinery, tanks, and fittings connected to the pipeline.'

Conclusion

6. The Trust seek to be heard in relation to this submission.

Nāku, nā



Hemi Sundgren
Pouwhakahaere / Chief Executive
Te Kotahitanga o Te Atiawa Trust

Appendices

- Appendix 1** - Te Kotahitanga o Te Atiawa Trust's submission to Taranaki Regional Council's Draft Coastal Plan for Taranaki
- Appendix 2** - Taranaki Regional Council's response to Te Kotahitanga o Te Atiawa Trust's submission to Taranaki Regional Council's Draft Coastal Plan for Taranaki
- Appendix 3** - Letter from Taranaki Regional Council to Te Kotahitanga o Te Atiawa Trust following a meeting with iwi representatives to discuss being notified as an affected party to sites identified in the Plan
- Appendix 4** - Te Kotahitanga o Te Atiawa Trust and Te Atiawa Iwi Hapū submission to the Taranaki Regional Council's 2018/2028 Long-Term Plan

Appendix 1.



Chris Spurdle
Planning Manager
Taranaki Regional Council
Via electronic submission
Via email: chris.spurdle@trc.govt.nz

Copy sent to: Nicolette West, Policy Analyst, Nicolette.West@trc.govt.nz
Sam Tamarapa, Iwi Communications Officer,
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18 November 2016

FEEDBACK ON TARANAKI REGIONAL COUNCIL'S PROCESS OF CONSULTATION FOR THE DRAFT COASTAL PLAN FOR TARANAKI

Tēnā koe Chris,

Te Kotahitanga o Te Atiawa Trust and Te Kāhui o Taranaki Trust wish to feedback on Taranaki Regional Council's process of consultation for the Draft Coastal Plan for Taranaki (the Plan).

1. Te Kotahitanga o Te Atiawa Trusts' interest in this Plan is formally recognised in Te Atiawa Iwi's Deed of Settlement (2014) which identifies Te Atiawa's cultural, spiritual, historical and traditional association with the whenua and takutai moana which extends from Te Rau o Te Huia Pā in the north to Herekawe Stream in the south, and inland to Maunga Taranaki.
2. Te Kāhui o Taranaki Trusts' interest in this Plan is formally recognised in Taranaki Iwi's Deed of Settlement (2015) which identifies Taranaki's cultural, spiritual, historical and traditional association with the whenua and takutai moana which extends from Ōuri and the Rāwa o Turi Stream in the south to Ōnukutaipari and Herekawe Stream in the north, and inland to Maunga Taranaki.
3. Given this, Te Kotahitanga o Te Atiawa Trust and Te Kāhui o Taranaki Trust provide feedback and submissions on regional and district plans within this rohe.

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understand how these issues have been or are to be addressed.

10. We believe Council would get more benefit engaging in a more robust process to inform the Plan and we welcome the opportunity to discuss and progress a process similar to that outlined above and look forward to working with Taranaki Regional Council to review and provide feedback on the Plan in its entirety in a timely manner.

Nāku, nā



Hemi Sundgren
Transition Manager
Te Kotahitanga o Te Atiawa Trust



Wharehoka Wano
General Manager
Te Kāhui o Taranaki Trust

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Appendix 2.



3 May 2017
Document: 1856742

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Feedback on the draft Coastal Plan for Taranaki

Tena korua

Thank you for your letter dated 18 November 2016 which provided feedback regarding consultation on the draft *Coastal Plan for Taranaki* (draft Coastal Plan). Since receiving the letter Council staff have been investigating the matters raised in the letter.

The Taranaki Regional Council (the Council) has been consulting with all iwi as part of the review of the *Regional Coastal Plan for Taranaki*. Consultation commenced in 2012 and has been ongoing.

The Council has been consulting with iwi authorities as is required by the RMA, this has included hui, and the seeking of feedback on position papers and technical reports, draft policy provisions, and a draft Coastal Plan. Your letter on the draft Coastal Plan requested further engagement and expressed concern about the adequacy of consultation to date and a preference to consult like New Plymouth District Council were doing for their District Plan review.

This process involved the formation of a Kaitiaki Group comprising of representatives from Ngati Tama, Ngati Mutunga, Ngati Maru and the hapū of Te Atiawa and Taranaki and the employment of a planner from BTW, to advise the Group and present their feedback and recommendations back to the Council.

The Council has been investigating this request including initially engaging with the Kaitiaki Group to explore options for alternative forms of engagement. As part of this, Council has also undertaken a survey of other regional councils to establish what arrangements and models there were for iwi input to plans. Data on input to consents was also sought given iwi interest. A report on the survey is being completed. It had been agreed to share the report with Te Kotahitanga o Te Atiawa Trust and Te Kāhui o Taranaki Trust.

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T: 06 765 1127 | F: 06 765 5097 | E: info@rnc.govt.nz | www.rnc.govt.nz
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The Council has also received requests for capacity building from some other iwi in the region and clearly this issue has wider applications in relation to other Council plan reviews and input to consents.

The Council has also agreed to three iwi representatives on the Policy and Planning and Consents Committees. The nomination of members is being addressed by iwi.

The RMA amendments became law on 19 April and include Mana Whakahono a Rohe: Iwi participation arrangements. The purpose set out in the Act is:

(a) to provide a mechanism for iwi authorities and local authorities to discuss, agree, and record ways in which tangata whenua may, through their iwi authorities, participate in resource management and decision-making processes under this Act; and

(b) to assist local authorities to comply with their statutory duties under this Act, including through the implementation of sections 6(e), 7(a), and 8.

Discussions on the above can be initiated by iwi authorities.

Given all the above it is an ideal time to conduct a complete review of iwi input to resource management (plans, consents and enforcement) and building iwi capacity involving all iwi in the region. The formalisation of arrangements will also be possible.

The first step in this will be providing a copy of the survey report to the Council and initiating a review of our engagement arrangements with Māori.

The survey report will then be provided to all iwi in the region and discussions initiated to establish suitable review engagement arrangements with Māori within the region.

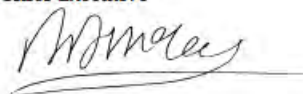
In the meantime the Council wishes to continue positively engaging with Te Kotahitanga o Te Atiawa Trust and Te Kāhui o Taranaki Trust using our existing arrangements for the Coastal Plan.

A copy of this letter will be provided to other iwi in the region for information purposes.

Nāku noa nā.

Yours faithfully

BG Chamberlain
Chief Executive



per: AD McLay
Director - Resource Management

Cc: All Iwi Chairs in the region

Appendix 3.

30 October 2017
Document: 1955111



Hēmi Sundgren
Te Kotahitanga o Te Atiawa Trust
PO Box 1097
Taranaki Mail Centre
New Plymouth 4340

Tena koe Hēmi,

Iwi sites of cultural significance in the coastal marine area and affected party decisions under the RMA

Following discussions on 12 October with your representatives Taranaki Regional Council senior staff have met to discuss how the Council can deliver and 'operationalise' more effective iwi involvement in the consent process within the coastal marine area. This letter, which will be sent to the chair of each iwi represented at the discussion, sets out the Council's position which was positively received by your staff.

The coastal sites of significance data supplied to the Council will need to be assessed in terms of the Resource Management Act, particularly section 6 (e), and discrete site dimensions established, much in the way New Plymouth District Council did for sites in their district plan. The sites can then either be included in a schedule to the Plan or kept in 'silent' (confidential) files at the Council depending upon iwi preference. Either way the site data will be used to determine affected party decisions for coastal consent applications. Iwi will be an affected party for activities adversely affecting these sites. There is still detailed work required to assess the data supplied and establish affected party definitions, systems and processes, and applicant consultation requirements, but the core of an agreement has been reached.

The Mana Whakahono a Rohe provisions of the Resource Management Act could be an appropriate framework in which to establish such systems and processes, subject to Councils and iwi reaching agreement.

As noted at the meeting the revised Coastal Plan will give a high level of protection to sites of significance. However, the effectiveness of any new Plan will rely on people knowing the location of these sites.



The Council trusts Te Kotahitanga o Te Atiawa Trust and the Council are now able to move forward together in a new direction and in a manner that delivers much more effective and efficient iwi involvement in the coastal consent process.

Nāku noa nā.

BG Chamberlain
Chief Executive

A handwritten signature in black ink, appearing to read 'A D McLay', with a horizontal line underneath.

per: A D McLay
Director - Resource Management

Appendix 4.

Our Reference: 1.b.1



Basil Chamberlain
Chief Executive
Taranaki Regional Council
Private Bag 713
STRATFORD 4352
By email: info@trc.govt.nz ('Long-Term Plan submission' in subject field)

6 April 2018

SUBMISSION TO THE TARANAKI REGIONAL COUNCIL'S 2018/2028 LONG-TERM PLAN BY TE KOTAHITANGA O TE ATIWA TRUST

Tēnā koe Basil,

1. On behalf of Te Kotahitanga o Te Atiawa Trust (the Trust) and Hapū of Te Atiawa Iwi (Hapū) we appreciate the opportunity to provide comment on Taranaki Regional Council's (TRC) 2018/2028 Long-Term Plan (LTP).
2. **Te Atiawa Area of Interest**
The Te Atiawa Iwi Claims Settlement Act 2016 recognises the Te Atiawa rohe which extends from Te Rau o Te Huia along the coast to the Herekawe Stream, inland to Tahuna Tutawa, east to Whakangerengere, northeast to Taramoukou, north back to Te Rau o te Huia and offshore out to 12 nautical miles. Te Atiawa has occupied this rohe for well over a millennium. This area of interest encompasses the Coastal Marine Area, part of Maunga Taranaki and overlaps with rohe of five whanaunga iwi including Ngāti Mutunga (north-east), Ngāti Maru (east), Ngāti Ruanui (south), Ngāruahine (south) and Taranaki (west). Given this, the Trust and Hapū respond to any relevant proposals, resource consent applications and policies within, adjacent to, or impacting directly on this area of interest.
3. **Ramping up biodiversity protection - Towards a predator-free Taranaki**
The Trust and Hapū support the TRC's preferred option to implement the proposed first three years of a region wide predator control programme, focusing on the Waiwhakaiho catchment, around Mt Taranaki and trialling possum eradication.

A: 35 Leach Street, New Plymouth / PO Box 1097 Taranaki Mail Centre | p: 06 7584685 |
e: sera@teatiawa.iwi.nz

4. **Key native ecosystems and biodiversity plans**
The Trust and hapū support the TRC's programme of working with interested landowners, iwi, community groups and organisations such as QEII and Fish & Game to voluntarily protect and enhance the ecological values of key native ecosystems.
5. **Extending our existing programmes - Freshwater quality monitoring**
The Trust and hapū support the TRC's intention to commit more resources to freshwater monitoring in order to meet the requirements of the NPS-FM is supported.
6. **Extending existing programmes – Education**
The Trust and Hapū support the TRC's intention to promote long-term action on sustainability and environmental protection by funding a regional position for the Enviroschools organisation.
7. **Working Together with Māori**
The Trust and Hapū support the TRC working together with Māori including Māori involvement in decision making processes and encourage the TRC to invest funds into a co-designed and resourced Memorandum of Understanding and Mana Whakahono a Rohe Agreement. Further to this, we encourage the TRC to invest funds into operationalising these objectives through co-designed and resourced policy and consent processes. The matters which are of particular interest to the Trust and Hapū, and potential solutions, are outlined below:

Foundations of a relationship

- a. The Trust and Hapū support this objective subject to integrating Māori cultural values into the forefront of the Plan, which will provide the foundation of this relationship. Further to this, we encourage the TRC to invest funds into the TRC councillors, and Council senior management and staff participating in training facilitated by iwi to understand the meaning of these values.

Policy development

- b. The Trust and Hapū support this objective and encourage the TRC to invest funds into resourcing a co-designed engagement model to enable us to contribute to policy processes, and this model is included as an obligation of the Memorandum of Understanding and Mana Whakahono a Rohe Agreement.

Iwi/hapū engagement models have been successful in many regions around New Zealand, for example iwi/hapū environmental units where Councils make annual financial contributions to the unit to assess resource management consents and policies like that of well-established units - Te Ao Mārama Inc and Mahaanui Kurataiao Ltd and/or a pay-as-you-go

engagement model similar to New Plymouth District Council's Ngā Kaitiaki rūpū.

Resource consents process

- c. The objective to "Continue and further develop best practice in resource consent processing and administration" is supported and we encourage the TRC to invest funds into a co-designed and resourced consent process to ensure that each of the steps stated within the Plan and outlined below are conducted by the TRC in a manner that Māori values are recognised and weighted appropriately in the decision-making process. The steps mentioned, and proposed amendments, (deletions are ~~strikethrough~~ and additions are underlined) are as follows:
- encourage applicants to consult where Māori may be an interested affected party, as part of an assessment of environmental effects;
 - ensure that sufficient information is provided by applicants on any actual or potential effects on Māori;
 - consider extending resource consent processing periods to enable adequate consultation and possible resolution of issues with Māori;
 - have regard to the effects on Māori in assessing whether resource consent applications are to be notified or non-notified and require applicants to obtain written approval to non-notification where Māori are an affected party including with particular regard to statutory acknowledgements arising from Treaty of Waitangi settlements with iwi;
 - provide information and technical assistance on resource consents and resource consent processing and administration;
 - arrange and facilitate meetings and undertake other forms of consultation with Māori as part of resource consent processing and administration;
 - hold meetings and pre-hearing meetings on marae as appropriate;
 - arrange interpretation services for the presentation of evidence in Māori when requested;
 - exclude the public from a hearing and restricting the publication of evidence when necessary to avoid serious offence to tikanga Māori or to avoid the disclosure of the location of wāhi tapu; and
 - ~~consider the~~ provide for participation of Māori in resource consent monitoring, including input into the design of monitoring programmes and involvement in monitoring activities.

Ongoing engagement

- d. The Trust and Hapū support the TRC's objectives for ongoing engagement with Māori and encourage the TRC to invest funds into a co-designed and resourced Memorandum of Understanding, Mana Whakahono a Rohe Agreement and policy and consent processes (as mentioned above).

Representation

A: 35 Leach Street, New Plymouth / PO Box 1097 Taranaki Mail Centre | p: 06 7584685 |
e: sera@teatiawa.iwi.nz

- e. The Trust and Hapū support the TRC's commitment to establishing and supporting the Māori representatives on the Councils Policy and Planning and Consents and Regulatory Committees. With that being said, the Trust and Hapū require that the TRC extend the timeframe with which Māori representatives receive the meeting papers and agendas from 2 days to at least 10 days in advance of the meeting date. This will allow time for the Māori representatives and iwi kaimahi or staff to convene and discuss the meeting items.

Information management

- f. The Trust and Hapū support the TRC's objectives around information management.

Training

- g. The Trust and Hapū support the TRC's desire to complete tikanga Māori training. As stated above, the foundation of the relationship between the TRC and Māori should be founded on Māori cultural values and the TRC councillors, and funds should be invested into Council senior management and staff participating in training facilitated by Māori to understand the meaning of these values.
- h. The Trust and Hapū support the TRC's objectives to provide opportunities for Māori to gain experience, training and skill development within the Council's work programmes and activities. Further to this, the Trust and Hapū require that these opportunities form part of the co-designed and resourced Memorandum of Understanding and Mana Whakahono a Rohe Agreement.

Resources

- i. The Trust and Hapū support the TRC's objectives in relation to resources.

Review

- j. The Trust and Hapū require an annual review of the effectiveness of the TRC's policies and the co-designed and resourced Memorandum of Understanding, Mana Whakahono a Rohe Agreement and policy and consent processes.

8. Monitoring and Reporting

The Trust and Hapū require that the TRC's integrate the Te Ao Māori perspective/Māori worldview, Māori cultural values and mātauranga Māori monitoring techniques (e.g Cultural Health Index) into the monitoring framework and encourage the TRC to invest funds into the development of this. This will provide a strong foundation for this framework and its operation, and will provide long-lasting cultural integrity.

The Trust and Hapū require that the TRC include this frameworks mātauranga Māori monitoring results into the performance and compliance monitoring

reports and state of the environment monitoring reports and encourage the TRC to invest funds into this.

9. *Resource Management - Levels of Service*

The Trust and Hapū require that the TRC integrate mātauranga Māori parameters (as mentioned above) into the measures for levels of service 1-9. Each of these levels of service or environmental resources are important to us, particularly freshwater life-supporting capacity, quality and allocation.

10. *Activities – What we plan to do - Resource investigations and projects*

The Trust and Hapū require that the TRC support the development of an iwi-led Te Ao Māori framework (as mentioned above) and encourage the TRC to invest funds into its development.

11. *Conclusion*

The Trust do not wish to be heard in relation to this submission.

Nāku, nā



Hemi Sundgren
Pouwhakahaere / Chief Executive
Te Kotahitanga o Te Atiawa Trust

4 May 2018

Proposed Taranaki Regional Coastal Plan
Taranaki Regional Council
Private Bag 713
STRATFORD 4352

By email to: coastal@trc.govt.nz

**SUBMISSION ON PUBLICLY NOTIFIED DRAFT PROPOSAL FOR PLAN CHANGE OR
VARIATION (FORM 5)
Proposed Taranaki Regional Coastal Plan**

NAME OF SUBMITTER: KiwiRail Holdings Limited (KiwiRail)

ADDRESS FOR SERVICE: PO Box 593
WELLINGTON 6140
Attention: Rebecca Beals

KiwiRail Submission on Proposed Taranaki Regional Coastal Plan

KiwiRail Holdings Limited (KiwiRail) is the State Owned Enterprise responsible for the management and operation of the national railway network. This includes managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. KiwiRail Holdings Limited is also the Requiring Authority for land designated "Railway Purposes" (or similar) in District Plans throughout New Zealand. The Marton-New Plymouth, and the Kapuni Branch along with the mothballed Stratford-Okaukura and Waitara Branches are located within the Taranaki Region, however only the Marton-New Plymouth Line has assets that are impacted upon by the Proposed Taranaki Regional Coastal Plan. These being the track location immediately adjacent to the Patea River estuary, and between Fitzroy and the Port in New Plymouth itself.

KiwiRail's comments on the Proposed Taranaki Regional Coastal Plan are set out in the attached table. Insertions we wish to make are marked in **bold** and **underlined**, while recommended deletions are shown as ~~struck-out~~ text.

KiwiRail could not gain an advantage in trade competition through this submission.

KiwiRail does wish to speak to our submission, and are also happy to provide any further detail should this be required by Council in relation to the matters raised in this submission.

Regards,

A handwritten signature in blue ink, appearing to read "Rebecca Beals", with a stylized flourish at the end.

Rebecca Beals
RMA Team Leader
KiwiRail

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
Chapter 4: Objectives				
1.	Objective 2	Support	KiwiRail support that appropriate use and development in the coastal environment is identified and provided for.	Retain as notified.
2.	Objective 3	Support	<p>KiwiRail are supportive of the recognition of reverse sensitivity effects. Further, this objective specifically reflects nationally and regionally important infrastructure in relation to reverse sensitivity effects.</p> <p>The rail corridor is a nationally important piece of infrastructure. Further, the rail corridor, while on land, is near the coast. The operation of the rail corridor can give rise to reverse sensitivity effects where sensitive uses are developed nearby without appropriate mitigation.</p>	Retain as notified.
3.	Objective 6	Support	<p>The objective seeking to ensure that the coastal environment is preserved and protected from inappropriate development is supported, further that natural character is restored where appropriate.</p> <p>The specific elements of this objective that KiwiRail support relates to recognising that some development may be appropriate, due to functional or locational needs to be in the coastal environment. Further, that the restoration of natural character may not always be appropriate, for example where safety is compromised.</p>	Retain as notified.
4.	Objective 12	Seek Amendment	<p>KiwiRail acknowledge and support the general intention of the objective, being to ensure that public use and enjoyment of the coastal marine area is available. However the Objective as worded provides no recognition for instances where ensuring public access is available is not appropriate when considering the potential for enhancement.</p> <p>Recognition of the nature of existing public access is submitted by KiwiRail as being important. The rail network is not publicly accessible, and therefore there is already a public access impediment where the rail network is located within the coastal environment. This is for safety reasons.</p> <p>Therefore, in line with other Objectives proposed within the Plan, KiwiRail seek that 'where appropriate' be inserted at the end of the Objective, to enable consideration of instances where there are potential adverse effects arising from providing public access.</p>	<p>Amend as follows:</p> <p><i>People's use and enjoyment of the coastal environment, including amenity values, traditional practices and public access to and within the coastal environment, is maintained and enhanced where appropriate.</i></p>
Chapter 5: Policies				
5.	Policy 1	Support	Recognition of the differences between the areas of the coast is supported by KiwiRail, including that some areas have different management needs than other areas. Specific recognition of nationally and regionally important infrastructure is also supported.	Retain as notified.
6.	Policy 2(f)	Support	The recognition of the locational and functional constraints of national or regional infrastructure is supported by KiwiRail. As noted already, the rail corridor is an existing asset and the maintenance of it to ensure that it continues to operate safely and efficiently is required. This in some instances may mean works in or near the coastal marine area however this is not always able to be avoided.	Retain as notified.
7.	Policy 5(a)	Support	<p>KiwiRail support that there is recognition proposed through policy of the functional need for some activities to locate within the coastal marine area.</p> <p>While much of the rail corridor is outside the marine environment, there are a number of bridges that cross watercourses within what is the defined as</p>	Retain as notified.

Submission Number	Proposed Amendment	Support/Oppose/ Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
			the marine environment and there are protection structures for the rail corridor along the foreshore. The physical ability to relocate these is limited. Further, any works to these structures to ensure their structural integrity and the continued safe operation of the rail network, by default will occur within the coastal environment and this is unable to be avoided.	
8.	Policy 5(b)	Support	Recognition of the benefits that activities can provide in the coastal environment, locally, regionally, and nationally is supported. The rail corridor supports the movement of freight throughout the country and therefore provides benefits at all levels identified in this Policy.	Retain as notified.
9.	Policy 5(c)	Support	<p>The policy specifically recognises that there are appropriateness considerations when considering activities, and that these are often influenced by a consideration of the existing environment.</p> <p>KiwiRail support that the degree of modification of the surrounding environment is identified as a relevant factor in considering the effects of an activity within the coastal environment. For KiwiRail the rail network is an existing asset, thereby the works anticipated associated with maintenance and operation of the network, are likely to be largely within the existing designated corridor, thereby being within an environment that is to some extent already modified.</p>	Retain as notified.
10.	Policy 6	Support	The recognition and provision for new and existing infrastructure is supported by KiwiRail.	Retain as notified.
11.	Policy 7	Support	As with the support noted above for Objective 3, KiwiRail support the specific policy in relation to reverse sensitivity, and that the policy seeks to avoid, remedy or mitigate these effects.	Retain as notified.
12.	Policy 17(c)(v)	Support	KiwiRail support that existing impediments to public access can be for health and safety reasons, and that these are recognised in relation to public access along the coastal marine area. The rail network is not available for public access for health and safety reasons, therefore consideration of that is fundamental for KiwiRail when going through the RMA process in relation to works on the rail network.	Retain as notified.
13.	Policy 31(d)	Support	<p>That there is specific provision providing for structures associated with the efficient operation of nationally and regionally important infrastructure within the coastal marine area is supported by KiwiRail.</p> <p>As already discussed, the rail corridor is not easily relocated, therefore there is a necessity that KiwiRail cannot avoid for structures to be located within the coastal marine area. Recognition of the practicality of that is appreciated.</p>	Retain as notified.
14.	Policy 34(c)	Support	<p>When considering the appropriateness of hard protection structures, KiwiRail support that the regional or national importance of existing infrastructure is identified as relevant.</p> <p>KiwiRail already has hard protection structures along the coastal margin, and the ability to recognise the existence of these and undertake maintenance as required to support the operation of the rail corridor is supported.</p>	Retain as notified.

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
15.	Policy 36	Support	KiwiRail support that the policy seeks to enable maintenance, repair, replacement, and minor upgrading of structures, while ensuring that adverse effects are appropriately managed.	Retain as notified.
16.	Policy 41	Support	<p>KiwiRail support that there is specific provision enabling disturbance, deposition and extraction in the coastal marine area, where adverse effects are managed, and that this specifically identifies these activities in relation to the necessity to protect or maintain the safe and efficient operation of nationally and regionally important infrastructure.</p> <p>The rail infrastructure in the coastal marine area can be susceptible to storm events requiring works to clear debris and also to protect the asset itself. In addition, regular maintenance works are required also to ensure the safe and efficient operation of the rail network. KiwiRail support these being facilitated.</p>	Retain as notified.
17.	Policy 45	Support	Consideration of the appropriateness of reclamation and drainage activities in relation to the public benefit derived from infrastructure, noting that railways are specifically identified in (d) is supported.	Retain as notified.
Chapter8: Regional Rules				
18.	Rule 25	Support	KiwiRail note that new hard protection structures are identified as a discretionary activity.	Retain as notified.
19.	Rule 33	Support	Other structures not provided for, which for rail relate to new or replacement structures such as bridges or culverts, are discretionary activities in the Port, the Open Coast and the Estuaries Modified. These activities are not provided for within the proposed suite of rules, therefore are captured under the 'catch-all' provision.	Retain as notified.
20.	Rule 35	Support	KiwiRail support the rule permitting maintenance, repair or minor alteration and associated discharge, disturbance and deposition activities associated with lawfully existing structures.	Retain as notified.
21.	Rule 36	Seek Amendment	<p>KiwiRail note that the repair of hard protection structures, as well as the extension, alteration, removal or replacement require consent as a discretionary activity.</p> <p>The scale of works associated with repair, and thereby the environmental effects, are significantly smaller than those created with the extension, removal or replacement of hard protection structures. Some repair tasks may be so small that for the rail asset, access can occur from the track with no discharge, disturbance or access to the foreshore and coastal waters required, however the wording of the rule as notified means that even this minor maintenance and repair works would require a discretionary activity consent. This does not seem an efficient means of managing potential effects.</p> <p>KiwiRail would like to see that the repair of existing hard protection structures was a permitted activity, subject to standards consistent with those in Rule 35. This would also reflect policy direction in terms of recognising existing infrastructure, the function it provides, and enabling the ability for it to be operated and maintained safely and efficiently.</p> <p>There are at least two options to address this request, being that Rule 35 is amended to allow for hard protection structures to be maintained, repaired</p>	Amend to provide for repair of hard protection structures as a permitted activity.

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
			or have minor alterations; or Rule 36 is split into two parts whereby maintenance and repair is a permitted activity subject to standards, and the more significant effects of extension, alteration, removal and replacement remain discretionary.	
22.	Rule 37	Seek amendment	<p>KiwiRail note that non-compliance with the permitted standard for Rule 35 in relation to network utility structures and the maintenance, repair or minor alteration of these is a controlled activity. KiwiRail note however that the list of network utility structures covered by the rule is narrow and would not cover bridges or culverts on the rail corridor, in the event that the permitted activity standards were not complied with.</p> <p>KiwiRail support that where the permitted standards are not complied with, that consent is required to ensure that environmental effects are appropriately managed, however KiwiRail would support that Rule 37 not restrict the types of network utility structures that can be maintained, repaired or have a minor upgrade as a controlled activity. The asset in these instances is existing, and the scale of upgrading can be controlled through conditions, thereby environmental effects are more certain and able to be managed, such that a controlled activity consent would be appropriate.</p>	Amend to remove the (a) to (e) restriction on the type of network utility structure, or alternatively include as a new (f) existing railway assets.
23.	Rule 51	Support	<p>KiwiRail support the ability to undertake clearance of culverts as a permitted activity, subject to standards.</p> <p>The removal of debris, particularly following storm events, is fundamental to ensure the ongoing structural integrity of structures, and thereby the safety of the rail network.</p>	Retain as notified.
Definitions and Acronyms				
24.	Network Utility	Support	KiwiRail support the definition as proposed linking back to s166 of the RMA in relation to those activities that a network utility operator would be authorized to undertake.	Retain as notified.
25.	Regionally Important Infrastructure	Seek Amendment	KiwiRail support that the definition includes the rail network at (g).	Retain as notified.
26.	Regionally Significant Infrastructure, point iii	Support	KiwiRail support that the definition proposed for Regionally Significant Infrastructure, particularly point iii, includes the rail network.	Retain as notified.



04 May 2016

Taranaki Regional Council
Private Bag 713
STRATFORD 4352

Email: info@trc.govt.nz

Teena koe ,

SUBMISSION TO THE PROPOSED COASTAL PLAN FOR TARANAKI

Thank you for the opportunity to submit on the Proposed Coastal Plan for Taranaki.

Te Kaahui o Rauru also appreciated the opportunity to submit on the Draft Coastal Plan for Taranaki. This allowed for early engagement in the plan material outside of the pressure of legal engagement timeframes. Throughout this process we noted the genuine effort from TRC officers to understand our concerns and adapt the plan accordingly to suit both parties' values.

Though this process was positive and we feel legitimate efforts were made to understand our values, in reviewing the Proposed Coastal Plan we did find some inconsistencies with our submissions on the Draft Coastal Plan and further points for comment. These points are reiterated and outlined below, both at a high level and with specificity.

1. Maaori Values

There are a number of places where the description of Maaori values puts undue emphasis on food gathering. There are places where Maaori values are tied into mahinga kai or food gathering only, which narrows the diversity of Maaori values, e.g. Policy 1: Coastal Management Area (b) Open coast (also on pg 6 under the same heading). Other areas of the plan reflect the diversity of Ngaa Rauru interests more accurately however. This approach needs to be consistently applied throughout the entire plan.

2. Tangata Whenua as a Treaty partner

Where there is reference in the plan to the effects of an activity on the "community" or "key stakeholders", there should also be a separate reference to tangata whenua in recognition of their role as Treaty partners.

3. Climate Change

There is no policy referring to climate change, covering both mitigation and adaptation, and sea level rise. The Ngaa Rauru Kiiitahi environmental management plan outlines how seriously this issue is to our environmental management goals. We expect discussion of this in a coastal plan.

4. Iwi Capability Building

We would be interested in discussing opportunities to introduce ways to build iwi capability and strengthen kaitiaki responsibilities through a variety of sections of the draft plan. There is the specific reference under Method 11 to Section 33 of the RMA, which includes transfer to iwi organisations, but this is not highlighted. There may be other opportunities to partner with iwi to deliver under methods 2, 7, 18 and 19, for example.

5. Coastal Marine Area Statutory Acknowledgement

The Ngaa Rauru Kiiitahi Claims Settlement Act 2005 identifies the entire Coastal Marine Area within our rohe as a Statutory Acknowledgement Area. This means that Ngaa Rauru view the entire area as a significant area. As such there is tension between the practise of identifying discrete sites of significance, as in Schedule 5B: Sites of Significance to Maaori. This should be considered when effectively accounting for and protecting Ngaa Rauru values within the CMA. The mechanism of communicating permitted activities to iwi is a step towards this and we appreciate this approach.

Specific Comments

Page ref	Title	Comment	Request
Introduction			
5	1.6 Mana Whenua	"The resources of Tangaroa..."	We do not like to refer to the natural world as "resources" as it is too anthropocentric. Prefer reference to the Atua itself eg "Tangaroa has provided..."
		5 th Paragraph line 3: "Sustainable coastal management..."	Prefer the word "relationship" to "management" when describing Ngaa Rauru interactions with the natural environment.
		Strong focus on iwi in this section	While we acknowledge the legislative requirements regarding "iwi" in particular, it is important to recognize the place of hapuu as tangata whenua. The importance of flagging this in section 1.6 of the plan is to communicate to potential plan users the likelihood of the need for consultation with hapuu when engaging in non –

			permitted activities. (in any specific location there will be hapuu that are affected parties to an application. Hapuu are likely to be interested in permitted activities in any given area also).
Statutory and planning framework			
11	2.5 Other legislation	Does not include iwi settlement legislation	Include Ngaa Rauru Kaitahi Claims Settlement Act 2005
Policy			
22	Policy 5: Appropriate use and development of the coastal environment	Aspirations of iwi to “develop, use or protect” removed.	Please explain removal?
22	Policy 8: Areas of outstanding value	The definition of seascape and whether underwater visual quality is included is still somewhat unclear.	Clarify underwater visual quality as part of seascape
22	Policy 11: Indigenous Biodiversity	This does not include discussion of native species of value to Maaori.	Include native species of value to Maaori
23	Policy 13: Relationship of tangata whenua		g) should include the right of local iwi/hapuu to choose said person of expertise, as long as there has been no illustrated conflict of interest. h) should read “recognizing and providing for the importance of maataranga maaori, customary, traditional and intergenerational knowledge.” In accordance with Section 6 of the RMA. Maatauranga Maaori is inherently involved with tangata whenua relationship to the environment.
28	Policy 22: Discharge of water or contaminants to coastal waters	This has a list of values to consider under (a) but does not include Maaori values.	Include Maaori values
31	Policy 35: Temporary hard protection structures	Clause (a) requires no permanent adverse effects but this is not defined – how long can something be considered to have a “temporary” effect before it is effectively “permanent”.	Define “permanent”
34	Policy 49: Noise and vibration	This refers to section 8.6.3, which appears to not set limits on noise for biodiversity values. It also refers to	Focus on avoiding and remedying adverse environmental effects

		minimizing adverse effects on the environment as opposed to first avoiding, then remedying effects.	before mitigation. Emphasize protection of biodiversity from adverse environmental effects.
Methods			
36	Method 19: advice and funding	While landowners are mentioned, mana whenua are absent.	Include mana whenua
Rules			
64	Rule 26: Drilling of a petroleum exploration or appraisal well	Drilling of a petroleum exploration or appraisal well is listed as controlled (i.e. indicates approval will be given to an application) and not requiring public-notified in some circumstances, while discretionary or prohibited in others. It is unclear how a controlled category can be justified for this activity. Being obligated to issue a permit if the drilling meets the criteria is inappropriate for a high consequence, extractive industry, linked to climate change.	Remove controlled for this activity
92	Rule 54: Burial of dead animals	The burial of dead animals on the beach should always require a tangata whenua involvement, particularly when it involves marine mammals.	Tangata whenua would require active involvement (not just) notification when it comes to the burial of dead animals
99	85: Taking or use of water, heat or energy		We would want to be notified of this kind of activity, especially when it comes to the scale and timing of the activity.
101	8.6.2 Light	This section doesn't include limiting impacts from light on biodiversity.	Include limit for biodiversity impacts
Financial Contributions			
88	9.1.3 Biodiversity 9.1.6. Seabed and foreshore	These sections don't include the option of improving kaitiaki opportunities for iwi as way of addressing the need to make contributions.	Include the option of improving kaitiakitanga
88	9.1.5 Historic and cultural sites	This has a relatively narrow set of offset options and could be widened.	This needs further discussion and engagement.
89	9.2 Determining a financial contribution	This section begins to discuss the idea of no net loss with the use of offsets with the wording "reasonably equivalent in standard..." but this needs more exploring. Under 9.2.1, point 6, there needs to be further clarification of whether it is the intention to aim for full mitigation or compensation in general, although that may not always be achieved? Furthermore, we require clarification as	This needs further discussion and engagement. Specify consideration of cultural effects.

		to whether or not reference to “community” effects is inclusive of cultural effects – this should likely be specified.	
Monitoring			
92	10.1 Monitoring	The procedures for a review programme should include specific mention of reviewing achievement of conditions relating to iwi and Maaori values.	Include Maaori values as a focus point in monitoring
Schedules			
188-189	Schedule 5B Sites of significance to Maaori and associated values - Ngaa Rauru Kiiitahi	No mention of Tapuarau Conservation Area (Hawkens Lagoon Conservation Area) The list of values associated with the area is inconsistent with what we’d agreed to in consultation previously and should be broader for each site (email correspondence with Nicolette West, 12/06/17, Subject: Follow up comments for Ngaa Rauru Feedback on draft Coastal Plan June 2017)	Please add to schedule form Ngaa Rauru Kiiitahi Claims Settlement Act 2005 Please refer to referenced correspondence and apply corrections. Contact Te Kaahui o Rauru for further direction.

Should you have any queries or feedback, please forward these to Nicola Patrick or Mahalia Tapa-Mosen at Te Kaahui o Rauru Offices via phone on 06 346 5707 or email at puutaiao@ruru.iwi.nz.

We look forward to working with you again in the future.

Naaku noa, naa

Anne-Marie Broughton
Kaiwhakahaere



**Te Rūnanga o Ngāti Ruanui Trust's
Submission on the Draft Proposed
Coastal Plan for Taranaki**



Introduction

Te Runanga o Ngati Ruanui's (Ngati Ruanui) environmental issues revolve around the following (but not limited to):

- Protection of taonga (treasures, natural resources including indigenous species);
- Protection of significant areas which include areas of interest, statutory acknowledged areas, wahi tapu (sacred sites), significant traditional/customary sites (currently and previously used by our ancestors) and cultural heritage;
- Active participation in resource management, decision-making and monitoring (using mauri indicators);
- Integration of matauranga māori principles with regional and district plans;
- Application of 'values-based framework' in assessing effects on cultural well-being and in assisting decision-making including application of consent conditions and monitoring programme.
- Consultation with mana whenua as good planning practice in order to adequately assess effects on cultural values.

After reviewing the Proposed Coastal Plan for Taranaki (the Plan), we've identified matters that should be amended to provide consistency, adequately integrate our values, and to meet the purpose and principles of the RMA including associated legislations.

One of the matters refer to objectives. Out of the 13 objectives, only two objectives specifically refer to tāngata whenua: objectives 9 (relationship of tangata whenua with the coastal environment) and 10 (Treaty of Waitangi). The objectives do not adequately address all of our issues and in effect provide positive resource management outcome for mana whenua and the Coastal Marine Area (CMA). We discuss identified 'gaps' (matters of concern) in the succeeding sections of our submission and have provided recommendations to fill these gaps and to assist the Taranaki Regional Council (TRC) in complying with their Resource Management Act 1991 (the RMA) roles and responsibilities.

Vision

In the Plan's vision statement, 'Taranaki' refers to the people, the mountain, the land and the region. The words 'tūtahi' refers to standing together, as one people, cohesively for a specific purpose, to achieve a united goal for the benefit of our region.

The Plan refers to the coastal marine environment which includes the coastal water. We recommend that the vision statement includes the word "water" to adequately reflect Taranaki and the coverage of the Plan.

Section 5: Policies

Section 5.1 lists general (overarching) policies that apply to all activities addressed within the Plan. These key policies provide an overall direction for achieving integrated (i.e. coordinated and consistent) management of the CMA and the outcomes sought for some significant values and matters.



All general policies and objectives apply within the CMA and coastal environment boundary (up to the land limit) particularly effect within these areas and boundary. Although activities undertaken within the Exclusive Economic Zone (adjoining the CMA) is not captured by the Plan, our point of contention in this approach relates on the application of integrated management not only to the adjoining in-land boundary but also to adjoining Exclusive Economic Zone of the water limit of the CMA. This has been raised by appellants in the High Court with respect to the Trans -Tasman resources Limited's seabed mining application. We recommend that the TRC follows the directions of the High Court and/or seek legal advice on the 'defect' of the RMA to ensure that the sustainable management purpose of the RMA is followed.

1.6 Mana whenua

According to section 1.6 of the Plan, *"These resources were integral to the lives of the people who occupied the settlements adjoining the coastline. Tangaroa provided for these people materially, acted as a highway for travel, was a source of rongoa (medicine), aided their well-being and provided spiritual sustenance." "The settlement illustrates the relationship of the iwi of Taranaki with the coast. This Plan has integrated the values of Taranaki iwi throughout Plan provisions."*

We confirm that tangaroa is still currently a source of rongoa. The use of the word 'was' indicates past use which is not the case. Besides this, tangaroa is also a source of mahinga kai. We recommend that this be corrected.

Ngati Ruanui is assembling information based on interaction with hapu, marae and whanau to confirm sites of cultural significance which should be identified in the Plan for active protection. We have included these sites with the coastal management areas and applicable schedules of the Plan. Further information will be provided as we progress through the review process of the Plan. Confirmation of such sites is a 'mammoth' task. The TRC may wish to extend assistance in resourcing such task.

3.1 Taranaki coastal environment

Ngāti Ruanui is concerned that the rules of the Plan are permissive of development and does not adequately refer to cultural values. For example, rule 1 which refers to stormwater discharge into water or onto land, etc are considered permitted activities. Standards/terms/conditions associated with rule 1 do not require consideration of adverse effects arising from the discharge on cultural values. In addition, the rule does not refer to schedules and appendices associated with tangata whenua.

According to the Plan, there is a relatively low demand for activities in Taranaki's coastal marine area. As of June 2016, there were only 254 current coastal permits, comprising 5% of all resource consents administered by the Taranaki Regional Council.



Prior to July 2011, the TRC did not require resource consents for the more than 50 fracking activities that were performed.¹ The legality of this was questioned by the public. After receiving legal advice, the TRC now requires resource consent for fracking.²

Based on the above, we claim that the TRC is likely to be develop Plans leaning towards or permissive of development (includes oil and gas activities). We recommend that section 3.1 be amended to include information in terms of the known number of activities that did not require resource consent versus the number of activities that require resource consent to provide the reason why only 5% of all coastal permits are administered by the TRC.

Objective 5: Coastal water quality

Objective 5 of the Plan seeks to maintain and enhance the water quality in the coastal environment. Much of our understanding of coastal water quality comes from scientific-based studies, monitoring and methodologies. However, we argue that there is a wealth of knowledge to be gained from māori-value based assessment methods and participation in monitoring. For Ngati Ruanui, the inclusion of mauri values and cultural perspectives with Objective 5 will provide for a combined science and cultural framework. This combined framework will help mana/tangata whenua articulate the way they interpret their environment (both natural and human-modified ecosystems), the issues they contend with, how they assess effects, how they measure change, and how they process information and arrive at decisions.

The inclusion of ‘mauri values’ could be linked to key cultural indicators, largely based on mātauranga Māori, mauri, taonga, significant indigenous species, spatial area affected (refer to spatial planning discussion), and perceived problem. The indicators could be used to assess progress towards desired cultural and environmental goals and can be applied to the coastal marine environment where goals are determined and trends are measured. Henceforth, the amended objective will align with Policy 11 which seeks to maintain and enhance coastal water quality by avoiding, remedying and mitigating the adverse effects of activities on, and in particular, the mouri and wairua of coastal water. Rules and methods could be used to reflect and complement the māori and scientific framework/approach and to support cultural impact assessments and long-term monitoring programmes.

¹A discharge of a contaminant into land cannot occur unless allowed by regulations or resource consent under s 15 of the RMA. The Council considered fracking to have very minimal environmental effects and so s 15 would not apply. Para 4, legal advice to Taranaki Regional Council, 1 August 2011.

²*"You have advised that there is no regional rule currently authorising such a discharge in Taranaki. Nor has the Council granted any resource consents authorising fracking discharges. On that basis, despite what might be assessed as very minimal environmental effects, fracking may contravene the RMA in some site-specific circumstances at the present time in Taranaki."* Para 27, legal advice to Taranaki Regional Council, 1 August 2011. The legal advice [para 30] also advised that whether fracking would have minimal environmental effects should be assessed in resource consent proposal and that the legal test of a ‘discharge of a contaminant’ is not whether there are minimal environmental effects. It is likely that fracking could have been covered by Rule 44 under the Taranaki Regional Fresh Water Plan and indeed Taranaki Regional Council now uses Rule 44 to regulate fracking. By not regulating fracking prior to July 2011, the Taranaki Regional Council could have been in breach of s 84(1) of the RMA which requires every consent authority to observe and, to the extent of its authority, enforce their policy statement or plan.



The māori and scientific approach and outcomes could be used to report on the State of the Environment, to monitor and report on environmental and changes from a cultural perspective: tangata whenua values, provide natural resource and cultural inventories, assess and provide a snapshot of environmental and cultural health, highlight issues, and state necessary actions from recommendations.

The recommended changes should be linked with monitoring policies and rules associated with tangata whenua's participation and sustainable development goals, use of 'mauri' indicators, provide useful means for measuring the progress towards desired social, cultural economic, and environmental goals and outcomes. **It is important that the mauri values are incorporated with science-based framework in order for the aspirations of tangata whenua are clearly articulated and understood. It is also important to understand that tangata whenua will define sustainable development goals differently and to embrace these different value system and worldview as a way of enhancing our overall understanding of sustainability. We recommend that the words 'mauri values' to be included with Objective 5 to reflect this.**

Objective 5: Coastal water quality and mauri values

Water quality and mauri values in the coastal environment is maintained and enhanced.

Objective 11: Historic heritage

Objective 11 seek to protect historic heritage in the coastal environment from inappropriate use and development. The coastal areas of outstanding value contain values and attributes that is considered exceptional in terms of Ngati Ruanui's cultural heritage. These areas reflect our whakapapa, connection of our ancestors (past) to living descendants (present) and intergenerational principles. It symbolises the places where our tupuna established and settled their papakainga, gardens, burial and treasure grounds, walking and waka trails and landing points, battlegrounds, and others. Within these areas, they left their remains and memories which we consider as taonga, to be respected and protected for our future generations.

We argue that traditional approaches, reflected in existing Historic heritage section of regional and district plans, ignore elements integral to our perceptions of cultural heritage. We do not view most of the historic european sites (redoubts, heritage buildings, etc) as having any relevance to tāngata whenua. Our cultural heritage does not rest only on built-form but instead rests on the concepts surrounding our ancestry. **The Plan tends to focus on the historical, aesthetic, archaeological and architectural values of material 'tangible' culture.**

The values we attach to physical elements of cultural heritage is not related to the material world but rather to the place value created by our tupuna and associated through whakapapa and deeds of the past or present. Our values could also rest in symbolic places, for example, Whikitau (ancient fishing village along the coast), considered as part of our fishing heritage and the opportunity the area presents to commemorate those lost at sea. This indicates that places and material culture have historical, spiritual, social, traditional and cultural significance and can consequently be considered elements of cultural heritage.



ICOMOS New Zealand defines cultural heritage as *'that which is valued due to its historical, archaeological, architectural, technological, aesthetic, scientific, spiritual, social, traditional and other special cultural significance associated with human activity.'* Cultural heritage is something that can be inherited, which enables tangata whenua, the inheritors, to enter into their rightful state and be their true selves.

Cultural heritage is expressed through a number of different formats, primarily those that are tangible or form material culture and those that are intangible. UNESCO defines intangible cultural heritage as the *'practices, representations, expressions, knowledge, skills, as well as the instruments, objects, artefacts and cultural spaces associated therewith, that communities, groups, and in some cases, individuals recognise as part of their cultural heritage'*. Fundamentally intangible concepts such as myth, faith and legends. These myths are of considerable importance to our perceptions of cultural heritage, influence people's relationship with the site.

The manifestations of intangible cultural heritage also include oral tradition and expressions, performing arts, social practices, rituals and festive events, knowledge and practices concerning nature and the universe and traditional craftsmanship. In practice, cultural heritage is articulated through our waiata, pepeha, and whakatauākī, or symbolically represented by works of art (māori carvings, korowai³, underpinned by matauranga māori principles.

Only tangata whenua identifies our own cultural heritage and prioritises what should be preserved and how this should be achieved. Giving priority to tangata whenua's perceptions of cultural heritage ensures that associated values, symbolism, social practices and myth are recorded, promoted and therefore protected. We argue that this process of display not only encourages the continuation of traditions, beliefs and practices but also facilitates a wider understanding and therefore respect of cultural heritage values. In our view, aspects of the past to which tangata whenua attach importance have been overlooked or undervalued by the Plan. Given the above, we recommend that physical representation (tangible) and expressions (intangible) be valued for their cultural significance by including Cultural Heritage with Objective 11 of the Plan (recommended change is underlined below). This approach recognises that it can include all elements of life, not merely the built and material world.

As a matter of national importance, RMA policy and plans must address a number of key matters in order to protect cultural and historic heritage. This includes (but not limited to) identification of cultural places and sites of significance to tangata whenua (incorporating tangible and intangible cultural heritage), assessment of their values, regulatory controls, and mapping. We argue that the Plan and policy statements developed under the RMA should adopt 'cultural heritage' in accordance with Part 2 of the RMA. This is to ensure the appropriate integration of tangible and intangible matters with current historic heritage approach which is mainly weighted on 'the tangibles'.

Objective 11: Cultural and Historic Heritage

Cultural and Historic heritage in the coastal environment is protected from inappropriate use and development.

³Korowai is a cloak ornamented with black twisted tags or thrums.



Section 5: Policies

5.1.1 Management of the coastal environment

The CMA has been divided into five management areas which recognise that some areas have values, characteristics or uses that are more vulnerable or sensitive to the effects of some activities, or that have different management needs than other areas.

The five management areas include areas with outstanding values, estuaries modified, estuaries unmodified, the open coast and the port. Section 1.6 of the Plan acknowledges the significant association/relationship of mana whenua with the coastal environment. Therefore, **it is appropriate that the Plan's five management areas integrate the areas of cultural importance (refer to Ngati Ruanui's environmental issues under section 4 of the submission). This means that significant cultural areas (identified as coastal management areas, schedules and appendices) should be referred to applicable objectives, policies, and rules of the Plan.**

Schedule 5B of the Plan identifies known sites of significance to māori and their associated values. We are concerned that the Plan only refers to Schedule 5B in the overall acknowledgement of mana whenua's areas of cultural significance. This is compounded by the fact that Schedule 5B is only referred to in Policy 15 (b) as historic heritage and standards/terms/condition (b) of rule 54 (burial of dead animals). We reiterate that all of the areas of cultural significance to Ngati Ruanui do not only relate to our tupuna or the past (historic) or to burying dead animals!

We recommend that the Plan be amended to link our cultural areas of significance to both the past (historic) and present cultural areas and traditions.

Schedule 11 of the RMA refers to acts that include statutory acknowledgements (includes Ngati Ruanui Claims Settlement Act 2003). The Councils must consider statutory acknowledgements when making decisions on whom to involve in resource consents and hearings. Although Policies 1 and 16 and section 6.5 (historic heritage) of the Plan refer to the Council's obligation to 'give regard to' statutory acknowledgements (Appendix 2), the Plan does not implement these through the rules section of the Plan.

We recommend that objectives and policies associated with mana/tangata whenua be adequately integrated with the rules section of the Plan.

Our succeeding recommendations (includes the Rules section of the Plan) highlights the necessary amendments to ensure adequate integration of objectives and policies with the rules, implementation and monitoring sections of the Plan.



Policy 1: Coastal management areas

(a) Outstanding Value

Policy 1 (a) includes coastal areas of outstanding value identified in Schedule 1. These areas contain values and attributes considered exceptional based on their characteristics, including landforms, land cover, **cultural and historic heritage associations** and visual qualities. Based on the above and outcomes of our information gathering exercise to date, We recommend additional sites to be included with Schedule 1 (refer below).

We recommend that the Tangahoe - Hawera – Manutahi Reef system, Patea Beach and the Patea River Estuary, and Ohawe – Manawapou-Waihi Beaches be included with Schedule 1 (1) of the Plan. The Whenuakura River Estuary (already included with the Schedule) is also considered as an area of outstanding value to Ngati Ruanui.

(b) Estuaries Unmodified

Unmodified estuaries are estuaries that have not been significantly modified, are surrounded by minimal urban development and exist in generally unmodified environments. These estuaries have significantly different and more complex natural processes than the open coast. They provide important habitats for marine and bird life and, in many cases, have significant indigenous biodiversity value and high amenity value.

Besides providing important habitats for marine and bird life, and high amenity values, unmodified estuaries also has cultural associations with mana whenua. They contain significant indigenous biodiversity (referred to as taonga species contained in the Ngati Ruanui Claims Settlement Act 2003). Furthermore, for Ngati Ruanui, estuaries (modified or unmodified) are used as waka landing sites which form part of ancestral ‘waka’ routes. They also link ancient coastal/fishing villages, significant food gathering sites, and migration paths to indigenous species. We recommend that Policy 1 (a) reflect this (refer to bold and underlined words).

Policy 1: Coastal management areas

(b) Estuaries Unmodified: Estuaries, not identified in (a) or (c) of this policy, that are permanently open to tidal movements and characteristically:

- (i) provide a natural focal point for human activity but are generally not significantly modified and are surrounded by minimal urban development and unmodified environments;
- (ii) have significantly different and more complex natural processes than the open coast; and
- (iii) provide important habitats, migration paths, breeding areas and nursery areas for marine and bird life.
- (iv) **provide for taonga species, cultural and traditional associations and cultural heritage.**



Besides the Waingongoro River and Manawapou River Estuary (within Ngati Ruanui's rohe), we recommend that the following estuaries be included with Schedule 1 (2) of the Plan: Hauroto Stream, Waihi Stream, Katewheta Stream, Waikaikai Stream, Mangaroa Stream, Kaikura Stream, Whenuakura River, and Manawapou River.

(c) Estuaries Modified

Policy 1 (c) of the Plan refers to the Pātea, Waiwhakaiho and Waitara estuaries as modified estuaries (modified by works and existing structures and surrounded by extensively modified environment) that are permanently open to tidal movements but also act as important habitats, indigenous biodiversity (referred to as taonga species under the Ngati Ruanui Claims Settlement Act 2003 and referred to in Schedule 4C of the Plan), migratory paths, breeding and nursery areas for marine and bird life.

As previously mentioned, estuaries (both modified and unmodified) have cultural significance to tangata whenua. We recommend that Policy 1 (c) of the Plan should articulate this (refer below for recommended amendment).

Policy 1: Coastal management areas

(c) Estuaries Modified: Pātea, Waiwhakaiho and Waitara estuaries that are permanently open to tidal movements and characteristically:

- (i) have been modified by flood protection works and placement of structures;
- (ii) are surrounded by urban, extensively modified environments;
- (iii) have significantly different and more complex natural processes than the open coast; and
- (iv) provide important habitats, migration paths, breeding areas and nursery areas for marine and bird life.
- (v) **provide for taonga species, cultural and traditional associations and cultural heritage.**

(d) Open Coast

The open coast includes areas of the CMA not covered by the other management areas. These areas contain significant sites and places, including sensitive benthic habitats, significant indigenous biodiversity (associated with taonga species under Ngati Ruanui Claims Settlement Act 2003 referred to in Schedule 4C of the Plan), reef systems that are valued by Māori for mahinga kai, and fisheries that are recreationally, culturally and commercially valuable.



Besides providing sources of mahinga kai, the open coast is also a source for medicine (rongoa) and is considered part of our cultural heritage. The coast contains our ancestral trail – waka ancestral routes and significant cultural events. We recommend that the cultural significance of the coast which includes taonga species (reflected in Schedule 4C to be included with the Plan) be included with Policy 1 (d) of the Plan (refer to bold and underlined words).

Policy 1: Coastal management areas

(d) Open Coast: Areas of the open coast not identified in (a), (b), (c) and (e) of this Policy that characteristically:

- (vi) are subject to a high energy westerly wave environment and the coastal land behind the foreshore is generally naturally eroding;
- (vii) include reef systems that provide habitat to marine life, and are valued by Māori for mahinga kai;
- (viii) include nationally and regionally important surf breaks identified in Schedule 7 (refer corresponding Policy 19); and
- (ix) contain fisheries that are recreationally, culturally and commercially valuable.
- (x) **provide for taonga species, cultural and traditional associations and cultural heritage.**

Overall, given the cultural relevance of the coastal management areas, we recommend that the rules and standards/terms/conditions section of the Plan which refers to activities affecting these areas, give reference to Schedules 1, 2, 4C (recommended additional schedule), 5B and Appendix 2. We emphasise this matter again under the rules section of the Plan.

We recommend that the rules section of the Plan give reference to adverse effects on Schedules 1, 2, 4C, and 5B and Appendix 2 (refers to mana/tangata whenua associated cultural areas of significance and taonga species).

Policy 2: Integrated management

Policy 2 (c) provides for the integrated management of the coastal environment by considering the effects of activities undertaken in the coastal marine area on land or waters held or managed under other statutes, and the purposes of those statutes, including marine areas with legal protection identified in Schedule 1 and statutory acknowledgements identified in Appendix 2.

Besides Policy 2, Policy 16 (c) and Section 6.5 of the Plan recognise and provide for the relationship of tangata whenua culture, values and traditions with the coastal environment by implementing the relevant legal requirements of Treaty settlements. **We emphasise that the TRC must have regard to statutory acknowledgements.**



Policy 9: Natural character and natural features and landscapes

Policy 9 seeks to protect all other areas of the coastal environment not identified in Schedule 2 by avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on natural character and features and landscapes by having regard to the extent to which the activity, and in particular, maintains the integrity of historic heritage. We recommend that the TRC include the word cultural with historic heritage (refer to bold and underlined words) to provide consistency as mentioned on our previous recommendations.

Policy 9: Natural character and natural features and landscapes

Protect all other areas of the coastal environment not identified in Schedule 2 by:

- (a) avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on natural character and natural features and landscapes by having regard to the extent to which the activity:
 - (vi) maintains the integrity of **cultural and** historic heritage...

Policy 11: Coastal water quality

Based on the discussion relating to Objective 5, we recommend that Policy 11 be amended for consistency (refer to bold and underlined words).

Policy 11: Coastal water quality and **mauri values**

Maintain and enhance coastal water quality and **mauri values** by avoiding, remedying and mitigating the adverse effects of activities on:

- (b) the **mauri or** life-supporting capacity of coastal water;
- (c) the mauri and wairua of coastal water;
- (d) the integrity and functioning of natural coastal processes; and
- (e) the ability of coastal water to provide for existing and anticipated future use by the community.

Policy 12: Restoration of coastal water quality

Policy 12 seeks to promote the restoration of coastal water quality where deterioration is having a significant adverse effect on ecosystems, natural habitats or water based recreational activities, or is restricting existing uses such as shellfish gathering and cultural activities, as identified in Schedule 3. We recommend that Policy 12 include the word 'mauri values' (refer to bold and underlined words) to provide consistency and to reflect a combined science and 'mauri-based approach.

Policy 12: Restoration of coastal water quality **and mauri values**



Policy 14: Indigenous biodiversity

Policy 14 seeks to protect areas of significant indigenous biodiversity in the coastal environment and to maintain and enhance indigenous biodiversity by avoiding adverse effect of activities on several aspects.

The Treaty of Waitangi has given effect to tangata whenua's governance arrangements on biodiversity management. The Waitangi Tribunal found that iwi and hapū are obliged to act as kaitiaki towards taonga in the environment such as land, natural features, waterways, wāhi tapu, pa sites and flora and fauna within their rohe (tribal areas). This means that current (resource management) laws and policies must support kaitiaki relationships to the degree required by the Treaty.

Ngati Ruanui Claims Settlement Act 2003 was lodged by Ngati Ruanui to claim our rights in respect of mātauranga Māori and indigenous flora and fauna, including intellectual property rights referring to taonga flora and fauna. Table 1 refers to taonga species in accordance with the Deed of Settlement between Ngati Ruanui and the Crown (Ngati Ruanui Claims Settlement Act 2003).

Maori Name	Common Name	Formal Name
Hapuka	Groper	<i>Polypio oxygenios</i>
Kaeo	Sea tulip	<i>Pyrua pachydermatum</i>
Kahawai	Sea trout	<i>Arripus trutta</i>
Kanae	Mullet	<i>Mugil cephalus</i>
Koeke	Common Shrimp	<i>Palaemon affinis</i>
Marari	Butterfish	<i>Odax pullus</i>
Moki	Blue moki	<i>Latridopsis ciliaris</i>
Paraki/Ngaiore	Common Smelt	<i>Retropinna retropinna</i>
Para	Frostfish	<i>Lepidopus caudatus</i>
Patiki mahoao	Black Flounder	<i>Rhombosolea retiaria</i>
Patiki rore	New Zealand sole	<i>Peltorhamphus novaezealandise</i>
Pakiti tore	Lemon sole	<i>Pelotretis flavilatus</i>
Patiki totara	Yellow belly flounder	<i>Rhombosolea leporina</i>
Patiki	Sand flounder	<i>Rhombosolea plebeia</i>
Patukituki	Rock cod	<i>Parapecis colias</i>
Pioke	Rig shark	<i>Galeorhinus galeus</i>
Reperepe	Elephant fish	<i>Callorhynchus milli</i>
Tuna heke	Eel – long finned	<i>Anguilla dieffenbachi</i>
Tuna roa	Eel –short finned	<i>Anguilla australis</i>
Wheke	Octopus	<i>Octopus maorum</i>
Koiro, ngoiro, totoke, hao, ngoio, ngoingoi, putu	Conger Eel	<i>Conger verreauxi</i>
Koura	Crayfish	<i>Jasus edwardsii</i>
Kaunga	Hermit Crab	<i>Pagurus novaeseelandiae</i>
Papaka parupatu	Mud Crab	<i>Helice sp.</i>



Papaka	Paddlecrab	<i>Ovalipes catharus</i>
Kotere, humenga	Sea anemoe	<i>Cnidaria group</i>
Rore, rori	Sea cucumber / sea snail	<i>Stichopus mollis</i>
Patangatanga, patangaroa, pekapeka	Starfish	Echinoderms
SHELLFISH		
Kina	Sea urchin	<i>Evechinus chloroticus</i>
Kuku / Kutae	Green lipped mussel	<i>Perna canaliculus/mytilus edulis</i>
Kuku / Kutae	Blue lipped mussel	<i>Perna canaliculus/mytilus edulis</i>
Paua	Paua – black foot (Abalone)	<i>Haliotis iris</i>
Paua	Paua – yellow foot	<i>Haliotis australis</i>
Pipi /kakahī	Pipi	<i>Paphies austral</i>
Pupu	Pupu	<i>Turbo smaragdus/zediloma spp</i>
Purimu	Surf clam	<i>Dosinia anus et al.</i>
Rori	Sea snail	<i>Scutus breviculus</i>
Tuangi	Cockle	<i>Austrovenus stutchburgi</i>
Tuatua	Tuatua	<i>Paphies subtriangulata, paphies donacina</i>
Waharoa	Horse mussel	<i>Atrina zelandica</i>
Waikaka	Mud snail	<i>Amphibola crenata, Turbo smaragus, Zedilom spp.</i>
Tio, Karauria, ngahiki, repe	Rock Oyster	<i>Crassostrea glomerata</i>
Tupa, kuakua, pure, tipa, tipai, kopa	Scallop	<i>Pecten novazelandiae</i>

Table 1: Taonga species includes with Ngāti Ruanui Claims Settlement Act 2003.

Policy 11b of the NZCPS seek to protect indigenous biological diversity in the coastal environment: avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes. **Policy 14 of the Plan reflect the traditional or cultural associations of indigenous biodiversity. However, the Plan does not reflect the governance arrangements on biodiversity management in accordance with the Treaty/Claims Settlement. We recommend that Policy 14 give reference to this (refer to underlined bold words).**

Policy 14: Indigenous biodiversity

Protect areas of significant indigenous biodiversity in the coastal environment and maintain and enhance indigenous biodiversity by:

- (f) avoiding adverse effects of activities on:
- (i) indigenous taxa that are nationally threatened or at risk, or regionally distinctive, including those identified in Schedule 4A;
 - (ii) taxa that are internationally threatened including those identified in Schedule 4A;
 - (iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare, as identified in Schedule 4A;



- (iv) **taonga species protected under Taranaki iwi Deed of Settlement, as identified in Schedule 4C;**
- (v) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
- (vi) areas containing nationally significant examples of indigenous community types; and
- (vii) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and ...

Policy 15: Historic heritage

Knowledge of cultural heritage meaning, value, and practice, is associated with places and are underpinned by matauranga māori principles. Matauranga is sustained and transmitted through oral, written, and physical forms determined by tangata whenua. One of Ngāti Ruanui's aspirations includes active protection of our cultural heritage and areas of high cultural values. Ngāti Ruanui believes that active protection involves little intervention³ as possible, to ensure its long-term survival and the continuation of its cultural heritage values.

Ngāti Ruanui considers that activities proposed to be undertaken on or within the surrounds of significant cultural places (most of the coastal environment) could have significant impact on the cultural heritage landscape of affected areas. Activities could also have off-site effects affecting adjoining coastal land or water. Ngāti Ruanui recommends a Cultural Cautionary Zone (act as a buffer) to be required between such places and proposed site. This zone would not prohibit all development but would consider the cultural significance of the area (based on factors determined by Ngāti Ruanui and the applicant) and required special care to be taken within this area, to ensure adequate protection for cultural values. Refer to spatial planning for further discussion on the Cultural Cautionary Zone.

Ngāti Ruanui is concerned and, at times, distressed by the difficulty of securing protection for a huge range of sites of great importance to us on grounds of historic, traditional or spiritual association. We particularly refer to Te Moananui A Kupe o Ngāti Ruanui (Coastal Area). Although this area is referred to in the Deed of Settlement between Ngāti Ruanui and the Crown, there is wealth of resources within which is considered as culturally significant. The coastal area is regarded as one of the main sources of mahinga kai and therefore, habitats of indigenous taonga species. Furthermore, it is symbolic of our cultural heritage, it has been the preferred travel pathway of our tupuna, both by waka or inland walking trails mostly following rivers and streams.

³Intervention should be the minimum necessary to ensure the retention of tangible and intangible values and the continuation of uses integral to those values. The removal of fabric or the alteration of features and spaces that have cultural heritage value should be avoided.



Significant historical and traditional events are confirmed by archaeological findings of māori association and oral information handed from generations by kaumatuas and referred to in waiata, pepeha, proverbs, etc. Historical traces of our tupuna such as ancient coastal papakainga or fishing villages, tuahu or waka landing sites and ancestral trails (walking pathways) provide proof of its cultural significance. **We recommend that Te Moananui A Kupe o Ngati Ruanui be included with Ngati Ruanui's sites of significance to Maori and associated values under Schedule 5B. Given the above, we believe that there is a high potential for undiscovered māori heritage within this area that warrants protection.**

By virtue of the Treaty principles, our role as kaitiaki and responsibilities under the RMA, activities affecting such places is therefore conditional on decisions made in association with Ngāti Ruanui, mana whenua of the affected areas, and should proceed only in this context. **We recommend that alongside the changes recommended on Objective 5, Policy 15 be amended to reflect and provide for the matters mentioned above (refer to underlined and bolded words below).** Furthermore, it is appropriate that such an approach be reflected under the rules section. For instance, ensuring that structures closer than one kilometre move from Discretionary to Non-Complying Activities. Such an approach is currently implemented under rule 26.10.3 of the Waikato District Plan, Rule 26.10.3 which means that it is legally sound.

Policy 15: Cultural and Historic heritage

Protect **cultural and** historic heritage in the coastal environment from inappropriate use and development by:

- (a) avoiding adverse effects on the values associated with Category A archaeological sites of significance and **cultural and** historic areas identified in Schedule 5A **and GIS map layer #**;
- (b) avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on the values associated with **cultural heritage** sites of significance to Māori identified in Schedules 5A and 5B and **GIS map layer #**;
- (c) avoiding, remedying or mitigating adverse effects on the values associated with all other **cultural and** historic heritage sites, including those identified in Schedule 5 **and GIS map layer #** and those identified by New Zealand Archaeological Association's ArchSite (Archaeological Site Recording Scheme) **and tangata whenua**;
- (d) when assessing adverse effects on **cultural and** historic heritage, giving regard to the extent of effects, including consideration of:
 - (i) the association of the site with other interrelated, but not necessarily contiguous, **cultural and** historic heritage sites and their collective significance in the context of historic landscapes and areas;
 - (ii) the degree to which **cultural and** historic heritage values will be lost, damaged, destroyed, or enhanced;
 - (iii) the nature, location, extent, design and appearance of the proposed development and the effects of these factors on **cultural and** historic heritage values;
 - (iv) **the location of the proposed development in terms of the Cultural Zone (buffer zone between the proposed development and the cultural and historic heritage sites) identified on GIS map layer # and the effects of its location on cultural heritage values;** (refer to section 6 methods of implementation for further discussion).



- (v) the classification given to the **cultural and** historic heritage, as set out in Schedule 5A and the reasons for which it has been scheduled;
- (vi) the extent to which the **cultural and** historic heritage has been damaged by natural events, weather, or environmental factors and any subsequent risk to public safety;
- (vii) **spatial planning considerations which involves (but not limited to) neighbouring rural nature, landscape, cultural history values and development-related interests; identification of conflicting activities that would impact on mana whenua issues, areas of interest and cultural significance.**
- (viii) the importance (if any) of land surrounding the **cultural and** historic heritage;
- (ix) the degree of compliance with Heritage New Zealand's Pohere Taonga Archaeological requirements;
- (x) any investigation and documentation of the site to provide a historical record; and
- (xi) the outcome of any consultation **including written approvals** with any relevant body or individual, such as Heritage New Zealand Pohere Taonga, the Department of Conservation, or local iwi and/or hapū; ... *(This should be reflected in the rules section of the Plan - notification of resource consent to mana/tangata whenua).*

Policy 16: Relationship of Tangata Whenua

Policy 16 seeks to recognise and provide for the relationship of tangata whenua culture, values and traditions with the coastal environment and take into account the principles of the Treaty of Waitangi, and kaitiakitanga. Policy 16 includes ways for tangata whenua to actively participate in the resource management process where decisions are being made on issues of significance to tangata whenua. **Overall, we recommend that Policy 16 should be integrated clearly with the rules section of the plan.**

Tangata whenua participation

Ngati Makino Heritage Trust v Bay of Plenty Regional Council [2014] NZEnvC 25 case law reiterates the need to 'articulate the recognition of māori values and to provide for māori participation in the management of resources. The Court accepted that tangata whenua involvement was necessary for determining cultural values and uses for the purposes of allocation and that policies and plans should accommodate this.

Another case relating to this refers to TV3 Network Services Ltd v Waikato District Council [1998] where the court did not dismiss the genuine relationship of māori with the environment and the legitimacy of metaphysical values inherent in tikanga māori. They do however, require decision-makers to consider how to provide for that relationship.

To provide for tangata whenua participation, we recommend that Policy 16 be amended to clearly articulate tangata whenua participation and to list existing formal relationships between tangata whenua and councils (include reference to agreement document). Besides Mana Whakahono a Rohe/Iwi Participation Arrangements, this includes (but not limited to) Transfer of Powers under section 33 of the RMA, Memoranda of Understanding, co-management agreements, specific consultation processes with tangata whenua, and details of agreement as determined in consultation with tangata whenua.



We recommend that Policy 16 be amended to clearly articulate tangata whenua participation and be integrated with the rules section of the Plan. The Plan should include a list of formal relationships between tangata whenua and councils and refer to any agreement document.

Statutory Acknowledgements

Policy 16 (c) of the Plan seeks to implement the relevant legal requirements of Treaty settlements, including representation on Council committees; and taking into account other aspects of Treaty settlements including, statements of association, protection principles and statutory acknowledgements. **We recommend that the words ‘taking into account’ be replaced with ‘have regard to’ (refer to underlined and bolded words below)** based on the matters discussed below.

Subpart 5 section 90 of Ngati Ruanui Claims Settlement Act 2003 states:⁴

From the effective date, and without limiting its obligations under Part 2 of the Resource Management Act 1991, a consent authority must have regard to the statutory acknowledgement relating to a statutory area in forming an opinion in accordance with sections 93 to 94C of that Act as to whether the governance entity is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on, the statutory area.

Statutory acknowledgements are statements in Treaty of Waitangi settlements between Crown and iwi that are intended to recognise the mana of tangata whenua groups in relation to identified sites and areas. They are acknowledgements by the Crown of the particular cultural, spiritual, historic, and traditional association of an iwi with each statutory site and area. They refer to Crown land, rivers, lakes, wetlands, a landscape feature, or a particular part of the coastal marine area.

A statutory acknowledgement will generally require authorities to forward summaries of all relevant resource consent applications to the relevant claimant group governance entity; have regard to a statutory acknowledgement in forming an opinion; attach a record of all statutory acknowledgement areas within the district or region to all policy statements, district and regional plans within the claimant area. Statutory acknowledgements can also be used in submissions to consent authorities, the Environment Court and the Historic Places Trust, as evidence of a specific claimant group's association with a statutory area.

⁴<http://www.legislation.govt.nz/act/public/2003/0020/latest/whole.html#DLM193365>



Decision-making in relation to Statutory Acknowledgements is subject to the provisions of Part 2 of the RMA: recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga under section 6(e); have particular regard to kaitiakitanga under section 7(a); take into account the principles of the Treaty of Waitangi under section 8. Therefore, the TRC should have regard to statutory acknowledged areas.

Active Protection Principles

The Environment Court has recognised the principle of the Treaty in terms of active protection in the case of *Beadle v Minister of Corrections & North-land RC* (Environment Court, Auckland A74/02, 8 April 2002, Judge Sheppard). At para [671] the Court said:

The person making a decision on a designation requirement or resource consent application has to take into account the principle of the Treaty by which the Crown has an obligation of active protection of Maori property and taonga, which are not limited to physical and tangible resources but extends to spiritual and intrinsic values.

The Treaty obliges the Crown not only to recognise the Maori interests specified in the Treaty but actively to protect them... omission to provide that protection is as much a breach of the Treaty as a positive act that removes those rights.⁵

...the duty of the Crown is not merely passive but extends to active protection of Maori people in the use of their lands and waters to the fullest extent practicable.⁶

Another principle of active protection concerns the environment itself. The Treaty guarantees and imposes an obligation on the Crown to protect the taonga or resource from degradation, damage or destruction, and to safeguard environmental quality generally:

New Zealand has a heritage of indigenous species, in forests and wetlands, sea coasts and fisheries, held to be guaranteed as taonga by the... Treaty of Waitangi. To remain taonga their prime requirement must be to exist... extinction is irreversible.⁷

Based on the above matters, Policy 16 should be amended to ‘have regard’ to protection principles of the Treaty.

⁵Waitangi Tribunal Manukau Report 1985

⁶Cooke P, *Maori Council v. Attorney General* (1987) 1 NZLR 641

⁷Morton 1995 p 3



Cultural Impact Assessment: A Cultural Values Based Framework

Policy 16 (i) requires a resource consent application and plan change applications to provide a Cultural Impact Assessment (CIA) report where appropriate. The need for the CIA is indicated by mana whenua.

The CIA populates information into the Assessment of Environmental Effects in support of Schedule 4, Part 2, and Section 104 of the RMA. It outlines the effects of a proposed activity on tāngata whenua cultural values with the environment; identifies methods that can/may avoid, remedy or mitigate adverse effects on cultural values and relationship with the environment; suggests what conditions of consent could be applied if consent is granted.

Current planning practice simply refers to cultural values and 'engagement' (no consultation) as recognition to Part 2. To remedy this, the Plan should adequately refer to the importance and use of the information provided by the CIA and in particular the rules section of the Plan. The matters/values identified by mana whenua and proposed for protection in the CIA should be considered and do not push aside as irrelevant. We recommend that the Plan be amended to reflect this (cultural values-based framework). This will improve evaluative or technical assessment of effects on culturally significant areas and traditions and at the same time provide adequate integrations of the Plan objectives and policies with the rules. We refer to this on our succeeding submission under the rules section of the Plan.



Policy 16: Relationship of tangata whenua

Recognise and provide for the relationship of tangata whenua culture, values and traditions with the coastal environment and take into account the principles of the Treaty of Waitangi, and kaitiakitanga. The Taranaki Regional Council will ~~provide opportunities~~ **ensure the active participation of** for tangata whenua to actively participate in the resource management process where decisions are being made on issues of significance to tangata whenua by:

- (a) taking into account any relevant iwi planning document;
- (b) taking into account any relevant memorandum of understanding between the Taranaki Regional Council and the iwi authority;
- (c) implementing the relevant legal requirements of Treaty settlements, including representation on Council committees; and **have regard to** taking into account other aspects of Treaty settlements including, statements of association, protection principles and statutory acknowledgements; (*refer to previous discussion relating to statutory acknowledgements*)
- (d) ~~responding to requests for Mana Whakahono a Rohe to enhance the opportunities for collaboration with iwi;~~ **provide for Mana Whakahono a Rohe, Transfer of Powers under section 33 of the RMA, Memoranda of Understanding, co-management agreements, specific consultation processes including details of agreement as determined in consultation with tangata whenua to enhance the opportunities for collaboration with iwi;**
- (e) providing for tikanga Māori and interpretation services for the use of Māori language in presenting evidence;
- (f) providing for marae-based pre-hearing meetings and hearings where appropriate;
- (g) providing for the appointment of a person with recognised expertise in tikanga Māori to any hearing committee where a resource consent application raises significant issues for tangata whenua;
- (h) recognising the importance of mātauranga Māori, customary, traditional and intergenerational knowledge;
- (i) requiring that resource consent applications, **notice of requirements** or plan change applications provide cultural impact assessments and/or archaeological assessments where **deemed** appropriate **by mana whenua or heritage authorities;**
- (j) **recognise the matters/values identified and proposed for protection by mana whenua in the cultural impact assessment;** and
- (k) involving tangata whenua in the development of consent conditions, compliance monitoring plans and/or enforcement procedures where appropriate.

Policy 18: Amenity values

The RMA include a definition of "amenity values".⁸

Amenity values mean those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and **cultural** and recreational attributes;

Schedule 1 and Appendix 2 refer to coastal areas of outstanding value and statutory acknowledged areas which both possess amenity values and cultural significance. We recommend that Policy 18 (a) be amended to include other schedules and appendix which refers to tangata whenua: Schedules 1 and 4C and Appendix 2.



Policy 18: Amenity values

Maintain and enhance significant amenity values by avoiding, remedying or mitigating adverse effects on:

- (a) coastal areas of outstanding value identified in **Schedules 1 and 2**;
- (b) coastal sites with significant amenity values identified in Schedule 6 including:
 - (i) beaches;
 - (ii) reefs; and
 - (iii) estuaries and river mouths;
- (c) surf breaks identified in Schedule 7; and
- (d) **cultural and** historic heritage sites including **those habitats with taonga species identified in Schedule 4C** and sites identified in Schedule 5 **and Appendix 2**.

5.2 Activity-based policies

This section contains policies specific to particular activities or uses in the coastal marine area. The policies provide direction for the use, development or protection of resources, and how the particular activities should be managed. The activity-based policies must be considered alongside the general policies and never in isolation.

We are concerned about the separation of the general and activity-based policies. In technical perspective, we understand the rationale behind this but in practice, consideration of both policies could cause confusion. Consequently, and in particular based on Ngati Ruanui's technical team's experience, resource consent applications do not provide adequate assessment of all relevant provisions (high likelihood of receiving incomplete applications). It is important that objectives and policies (both general and activity based) are adequately integrated with the rules section of the Plan.

The Government has ceased offering new offshore oil and gas exploration permits and restricted permitting. This decision signals a definitive move to transitioning away from fossil fuel extraction. Currently, the rules sections of the Plan classify exploration and appraisal drilling activities as a Permitted Activity. To ensure consistency with the government's decision, we recommend that such activities be classified as Discretionary Activity. We emphasize this further in the rules section of the Plan.

We recommend that the Plan be amended to reflect the government's decision to cease offering new offshore oil and gas exploration permits and restricted permitting.

The rules section of the Plan refers to the word 'minor' activities such as alterations, replace and removal. We recommend that the Plan provide more details with respect to the nature and scope of the word 'minor' to avoid confusion.

⁸ Section 2(1) of the RMA.



6 Methods of Implementation

State of the Environment Monitoring Programme

Section 6 provides for methods of implementation and in particular 6.1.4 requires to maintain a state of the environment monitoring programme to monitor the state, trends and pressures relating to the coastal environment and where possible, make this available in easily accessible electronic forms. Section 6.1.6 refers to the development and implementation of a monitoring, review and reporting programme to assess the effectiveness and efficiency of the Plan, including whether the objectives have been achieved.

We recommend that the state of the environment monitoring programme include the cultural state of the environment. This will confirm the effectivity of the TRC's objectives, policies and rules on tangata whenua and its on-the-ground outcome of custom and traditions in accordance with matauranga māori. This approach will inform and improve local and regional collaborative processes and enhance understanding of environmental health from a Māori perspective.

We recommend that the state of the environment monitoring programme include the cultural state of the environment.

Spatial Planning

As the marine area becomes more utilised, conflicts between activities are becoming more acute. Spatial planning is a rational and strategic approach which can be used to proactively plan for the future use of the coastal marine environment.

To provide security and assurance that Ngati Ruanui's areas of interest and areas of cultural significance are protected, we recommend that the TRC use spatial planning as a method of implementation. Spatial Planning could establish among other things:

- Planning considerations which involves neighbouring rural nature, landscape, cultural history values and development-related interests.
- **Identification of conflicting activities that would impact on mana whenua issues, areas of interest and cultural significance and incorporation of buffer zones (referred to as Cultural Cautionary Zone in Trustpower's wind farm consent application).**
- Consideration of Values-based frameworks. This type of framework identifies, organise, and describe key Māori values as a basis for guiding and determining natural and physical resource management and can be used to set limits and standards connected to Māori values.⁹

⁹ Ngā Matapono Ki Te Wai (TRONT 2013), Te Mana o te Wai (New Zealand Government 2014), Te Arawa Cultural Values Framework (TALT 2015), and Wai Ora Wai Māori (Awatere et al. 2015).



- Consideration on cultural assessment and mapping of customary management areas. These are tools that provide a framework for incorporating cultural perspectives, values, and interests into coastal management, contemporary resource management, and intergenerational planning. The application of Geographic information systems (GIS) in conjunction with māori knowledge to identify, record, classify, and map Māori values, significant sites, or special interest areas at accurate scales will improve the understanding and expression of place and māori values in planning. Spatial and temporal mapping and assessment, and indigenous approaches to using GIS are well documented (e.g., Harmsworth 1997, 1998, TRONT 2003, 2007, Robb et al. 2015) and can be used to support aspects of collaborative coastal management areas, such as modelling and scenario planning, and to identify priority cultural areas for management and restoration.

10 Monitoring and Review of the Plan

Cultural monitoring and assessment methods and tools utilising mātauranga Māori and western science have been developed in different parts of New Zealand to monitor progress toward goals and objectives of a Plan or compliance with consent conditions¹⁰.

We recommend that monitoring programmes referred to in the rules section of the Plan include cultural or mauri indicators/values to not only confirm compliance with consent conditions but also to determine the effectivity of the Plan in providing for tangata whenua’s interest. Such an approach is consistent with Policy 2f of the New Zealand Coastal Policy Statement and Policy 16 (i) (b) of the Plan:

Policy 2f of the New Zealand Coastal Policy Statement

provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:

- i. bringing **cultural understanding to monitoring** of natural resources;*
- ii. providing appropriate **methods for the management, maintenance and protection of the taonga** of tangata whenua;*
- iii. having regard to regulations, rules or bylaws relating to **ensuring sustainability of fisheries resources** such as taiāpure, mahinga mātaītai or other non-commercial Māori customary fishing;*

Policy 16 (j) of the Proposed Coastal Plan for Taranaki

- b. **involves tangata whenua in the development of consent conditions, compliance monitoring plans and/or enforcement procedures where appropriate.***

¹⁰Harmsworth 2002, TRONT 2003, Townsend et al. 2004, Harmsworth and Tipa 2006, Tipa and Tierney 2006a, b, Jollands and Harmsworth 2007, Harmsworth et al. 2011, 2013, 2015, Harmsworth and Awatere 2013, Awatere and Harmsworth 2014, Robb et al. 2015.

1.1 Discharges

Our recommendations are **underlined and written in red bold font.**

Stormwater discharges

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Stormwater discharge into water or onto land in the coastal marine area that either:</p> <p>(a) does not convey stormwater from any industrial or trade premises, or</p> <p>(b) conveys stormwater from industrial or trade premises that:</p> <p>(i) cover a total area of 2 ha or less; and</p> <p>(ii) do not use or store hazardous substances.</p> <p><i>Note (1): Discharge of stormwater into a district council managed stormwater system is a discharge to land outside the CMA and an assessment for consent requirement should be made under the Freshwater Plan not this Rule.</i></p> <p><i>Note (2): If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 2 or Rule 3 depending on the coastal management area involved.</i></p>	1	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast	Permitted	<p>(a) the discharge does not cause any scouring or erosion beyond the point of discharge;</p> <p>(b) the discharge does not contain wastewater;</p> <p>(c) the discharge does not contain stormwater from the Port;</p> <p>(d) the discharge does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [significant species and ecosystems] and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</p> <p>(e) the discharge does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</p> <p>(f) the discharge does not have adverse effect on Schedules 1 and 2</p> <p>(g) the activity does not have any adverse effects on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</p> <p>(h) the discharge does not result in the production of conspicuous oil or grease films or result in change in colour or visual clarity within the receiving environment after reasonable mixing;</p> <p>(i) the discharge does not emit an objectionable odour;</p> <p>(j) the discharge does not adversely affect the suitability of the receiving water for customary use and bathing after reasonable mixing;</p> <p>(k) the discharge does not render marine organisms unsuitable for human consumption within recognised mātaītai reefs/resources;</p> <p>(l) there are no undesirable biological growths as a result of the discharge; and</p> <p>(m) the discharge does not cause the natural temperature to be changed by more than three degrees from normal seasonal water temperature fluctuations, after reasonable mixing.</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Stormwater discharge into water or onto land in the coastal marine area that does not come within or comply with Rule 1.</p> <p><i>Note (1): Discharge of stormwater into a district council managed stormwater system is a discharge to land outside the CMA and an assessment for consent requirement should be made under the Freshwater Plan not this Rule.</i></p> <p><i>Note (2): Discharge of stormwater from a district council managed stormwater network into water or onto land in the CMA that does not comply with Rule 1 requires a coastal permit under either this Rule or Rule 3 depending on the coastal management area involved.</i></p>	2	Open Coast Port	Discretionary	<p>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</p> <p>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) discharge is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based policies 22, 27
<p>Stormwater discharge into water or onto land in the coastal marine area that does not come within or comply with Rule 1.</p> <p><i>Note (1): Discharge of stormwater into a district council managed stormwater system is a discharge to land outside the CMA and an assessment for consent requirement should be made under the Freshwater Plan not this Rule.</i></p> <p><i>Note (2): Discharge of stormwater from a district council managed stormwater network into water or onto land in the CMA that does not comply with Rule 1 requires a coastal permit under either this Rule or Rule 2 depending on the coastal management area involved.</i></p>	3	Outstanding Value Estuaries Unmodified Estuaries Modified	Non-complying	<p>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</p> <p>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) discharge is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 22,27



Petroleum dispersant use

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Petroleum dispersant discharge into water or onto land in the coastal marine area in the event of a natural marine oil seep resulting from capital dredging.</p> <p><i>Note: Excludes dispersant use regulated by the Resource Management (Marine Pollution) Regulations 1998 (Appendix 5).</i></p>	4	Port	Permitted	<p>(a) discharge is of a petroleum dispersant approved for use in marine oil spills by Maritime New Zealand;</p> <p>(b) dispersant is applied at the rates and by the methods recommended by the manufacturer; and</p> <p>(c) Taranaki Regional Council is informed of dispersant use within 24 hours by entering details of the activity at www.trc.govt.nz/informcouncil.</p>		

Untreated human sewage discharges

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Untreated human sewage discharge into water or onto land in the coastal marine area;</p> <p>excluding sewage discharges regulated by the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5).</p>	5	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Prohibited			

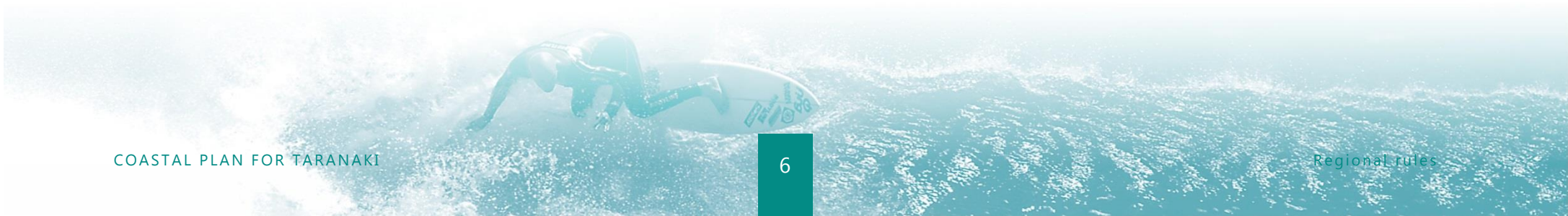
Wastewater treatment plant discharges

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Continuation of existing wastewater discharge that contains treated human sewage, into water or onto land in the coastal marine area after its consent expires;</p> <p>excluding sewage discharges regulated by the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5).</p> <p><i>Note: At the time this Plan was drafted there were three existing lawfully authorised wastewater discharges containing treated human sewage, the New Plymouth discharge through the outfall at Waiwhakaiho, the Pātea discharge into the Pātea estuary and the Hāwera treatment plant discharge to the coastal outfall near Hāwera.</i></p>	6	Estuaries Modified Open Coast	Discretionary	<p>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</p> <p>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) discharge is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 And Activity-based Policies 22, 24, 26,
<p>New wastewater discharge that contains treated human sewage, into water or onto land in the coastal marine area;</p> <p>excluding sewage discharges regulated by the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5).</p> <p><i>Note: For a new wastewater discharge that does not contain human sewage refer to Rule 13.</i></p>	7	Open Coast	Discretionary	<p>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</p> <p>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) discharge is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 And Activity-based Policies 22, 25,

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>New wastewater discharge that contains treated human sewage, into water or onto land in the coastal marine area; excluding sewage discharges regulated by the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5).</p> <p><i>Note: For a new wastewater discharge that does not contain human sewage refer to either Rule 12 or Rule 13 depending on the Coastal Management Area involved.</i></p>	8	Outstanding Value Estuaries Unmodified Estuaries Modified Port	Prohibited			

Sampling and cleaning biofouling

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Sampling, scraping and/or cleaning of biofouling from the part of a ship, moveable object or navigation aid that is normally below the water surface, involving the discharge of a substance into water in the coastal marine area and any associated:</p> <p>(a) deposition on the foreshore or seabed.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 13.</i></p>	9	Port	Permitted	<p>(a) the anti-foul coating on the vessel has not exceeded its planned service life, as specified by the manufacturer, and the cleaning method is undertaken in accordance with the manufacturer's recommendations;</p> <p>(b) where the ship, moveable object or navigation aid has travelled outside of the Taranaki coastal marine area since it was last cleaned, the cleaning or treatment method captures any biological material greater than 50µm in diameter that is released into the water column and this material is disposed of on land; and</p> <p>(c) the Ministry for Primary Industries, or subsequent replacement Ministry, is advised immediately if a suspected invasive or non-indigenous aquatic species is encountered.</p>		



Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Sampling, scraping and/or cleaning of biofouling from the part of a ship, movable object or navigation aid that is normally below the water surface, involving the discharge of a substance into water in the coastal marine area and any associated:</p> <p>(a) deposition on the foreshore or seabed.</p>	10	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p>	Non-complying	<p>(a) <u>discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>discharge is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	<p>General Policies</p> <p>1 to 21</p> <p>And</p> <p>Activity-based Policies</p> <p>22, 28</p>

Abrasive blasting discharges

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Abrasive blasting involving discharge of contaminants into water, into air or onto land in the coastal marine area and any associated:</p> <p>(a) deposition on the foreshore or seabed</p> <p>excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).</p>	11	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Discretionary	<p>(a) <u>discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>discharge is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	<p>General Policies</p> <p>1 to 21</p> <p>and</p> <p>Activity-based Policies</p> <p>22, 30, 39, 40, 41</p>



Seismic surveying and bathymetric testing

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Seismic surveying or bathymetric testing involving discharge of energy into water in the coastal marine area and any associated noise.</p> <p><i>Note: If the activity involves seismic surveying not covered by this Rule or does not meet the standards, terms and conditions in this Rule refer to Rule 13 or Rule 14 depending on the Coastal Management Area involved.</i></p>	12	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	<p>Permitted</p> <p><u>Discretionary</u></p>	<p>with regards to seismic testing:</p> <p>a) — survey complies with 2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations or any subsequent applicable Code of Conduct; and</p> <p>b) — Taranaki Regional Council is informed of the activity at least five working days before commencement by entering details of the activity at www.trc.govt.nz/informcouncil</p> <p>with regards to bathymetric testing:</p> <p>c) — activity does not have an adverse effect on marine mammals.</p> <p>a) <u>discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>b) <u>discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>c) <u>discharge is consistent with iwi management plan.</u></p>	<p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	

Other discharges to water or land not provided for in Rules 1 to 12

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Discharge of water or contaminants into water or onto land in the coastal marine area and the discharge does not come within or comply with Rules 1 to 12, any other Rule in this Plan, <i>the Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5) or <i>the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009</i> (Appendix 6).	13	Open Coast Port	Discretionary	<p>(a) <u>discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>discharge is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	General Policies 1 to 21 and Activity-based Policies 22 to 30
Discharge of water or contaminants into water or onto land in the coastal marine area and the discharge does not come within or comply with Rules 1 to 12, any other Rule in this Plan, <i>the Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5) or <i>the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009</i> (Appendix 6).	14	Outstanding Value Estuaries Unmodified Estuaries Modified	Non-complying	<p>(a) <u>discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>discharge is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	General Policies 1 to 21 and Activity-based Policies 22 to 30

Storage or transfer of cargo materials within the Port Air Zone

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Storage or transfer of cargo materials within the Port Air Zone involving discharge of contaminants to air. <i>Note (1): Map showing the Port Air Zone is included as Schedule 8.</i> <i>Note (2): If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 16.</i>	15	Port	Permitted	<p>(a) discharge does not result in offensive or objectionable odour or dust at or beyond the boundary of the Port Air Zone;</p> <p>(b) discharge does not result in noxious or toxic levels of airborne contaminants at or beyond the boundary of the Port Air Zone; and</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
				(c) discharge does not result in dangerous levels of airborne contaminants at or beyond the boundary of the Port Air Zone, including, but not limited to, any risk of fire or explosion.		
Storage or transfer of cargo materials within the Port Air Zone involving discharge of contaminants to air that does not come within or comply with Rule 15. <i>Note: Map showing the Port Air Zone is included as Schedule 8.</i>	16	Port	Discretionary			General Policies 1 to 21 and Activity-based Policies 22, 30

Other discharges to air not provided for in Rules 15 and 16

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Discharge of contaminants to air from any industrial or trade premises in the coastal marine area which is restricted by Section 15(1) of the RMA and which does not come within or comply with Rules 15 or 16 or any other Rule in this Plan including discharges covered by the Resource Management (Marine Pollution) Regulations 1998 (Appendix 5).	17	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Discretionary	(a) <u>discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u> (b) <u>discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u> (c) <u>discharge is consistent with iwi management plan.</u>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	General Policies 1 to 21 and Activity-based Policies 20, 29, 30

Structures and occupation

Outfall structure placement

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Outfall structure placement and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 22 for a network utility structure or Rule 33 or Rule 34 for other outfalls depending on the coastal management area involved.</i></p>	18	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Permitted	<p>(e) structure has a maximum internal diameter of 150 mm and extends a maximum of 0.5 m seaward of the line of mean high water springs;</p> <p>(f) no erosion or scour results from placement of the structure;</p> <p>(g) the extent of disturbance of the foreshore and seabed is limited to the minimum required to undertake the activity;</p> <p>(h) structure is not placed in any Marine Reserve or Marine Protected Area;</p> <p>(i) the discharge is not placed have an adverse effect on the values associated with within cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</p> <p>(j) the structure is not placed at any site identified in Schedule 5B [Sites of significance to Māori and associated values] and Appendix 2;</p> <p>(k) structure does not have adverse effect on Schedules 1 and 2</p> <p>(l) placement of the structure does not have an adverse effect the structure is not placed at any site with any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat] and</p> <p>(m) Taranaki Regional Council is informed of the activity at least one working day before commencement by entering details of the activity at www.trc.govt.nz/informcouncil</p>		

Mooring structure placement

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Mooring structure placement that does not require excavation of the foreshore or seabed and any associated:</p> <ul style="list-style-type: none"> (a) occupation of space in the common marine and coastal area; (b) disturbance of the foreshore or seabed; (c) deposition in, on or under the foreshore or seabed; and (d) discharge of sediment. <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 23.</i></p>	19	Port	Permitted	<ul style="list-style-type: none"> (a) mooring structure is placed, secured and maintained in accordance with the instructions of the Taranaki Regional Council Harbourmaster; (b) if the mooring structure is placed within the breakwaters, it is placed to secure a ship that is moored to a wharf or that is moored within an area that extends 400 m from the landward side of the Lee Breakwater; (c) placement of the mooring structure does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 [Historic heritage]; (d) placement of the mooring structure does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; and (e) at least one working day before placement, the Harbourmaster is notified that placement is to occur. 		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Mooring structure placement for monitoring or sampling equipment that does not require excavation of the foreshore or seabed and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment.</p> <p><i>Note (1): Iwi authorities that have requested to be informed of this activity will be advised by the Council.</i></p> <p><i>Note (2): If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 23, 33 or 34 depending on the coastal management area involved.</i></p>	20	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	<p>(a) Taranaki Regional Council is informed of the scale and location of the structure and the timing of construction and removal at least five working days before work commences by entering details of the activity at www.trc.govt.nz/informcouncil;</p> <p>(b) the placement of the structure and discharge does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</p> <p>(c) <u>the placement of the structure and discharge does not have adverse effect on Schedules 1 and 2</u></p> <p>(d) <u>the activity does not occur at any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</u></p> <p>(e) the placement of the structure and discharge does not adversely affect the suitability of the receiving water for customary use and bathing after reasonable mixing;</p> <p>(e) placement of the structure and discharge does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat] and</p> <p>(f) the mooring structure and the monitoring or sampling equipment does not occupy an area exceeding 5 m² of the coastal marine area.</p>		



Navigation aid erection or placement



Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Maritime navigation aid erection or placement that does not require excavation of the foreshore or seabed and any associated:</p> <p>(a) occupation of space (including renewal of occupation) in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment.</p> <p><i>Note (1): Iwi authorities that have requested to be informed of this activity will be advised by Council.</i></p> <p><i>Note (2): If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 33 or Rule 34 depending on the Coastal Management Area involved.</i></p>	21	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	<p>(d) structure does not interfere with the New Plymouth Airport Flight Path Protection Surfaces shown in Appendix 3;</p> <p>(e) the navigation aid does not occupy an area exceeding 5 m² of the coastal marine area;</p> <p>(f) Taranaki Regional Council is informed of the scale and location of the structure and the timing of construction and removal at least five working days before work commences by entering details of the activity at www.trc.govt.nz/informcouncil;</p> <p>(g) written notice detailing the scale and location of the structure and the timing of construction and removal is given at least five working days before work commences to:</p> <p>(i) Maritime New Zealand;</p> <p>(ii) Land Information New Zealand; and</p> <p>(iii) The Taranaki Regional Council Harbourmaster for Port Taranaki;</p> <p>(h) erection or placement of the navigation aid does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</p> <p>(i) erection or placement of the navigation aid does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</p> <p>(j) the placement of the navigation aid and discharge does not adversely affect the suitability of the receiving water for customary use;</p> <p>(k) placement of the structure does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Network utility structure erection or placementActivity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference



<p>Network utility structure erection or placement where the structure is :</p> <p>(a) a pipeline that is buried or attached to a bridge or access structure;</p> <p>(b) an outfall structure which does not come within or comply with Rule 18;</p> <p>(c) an intake structure;</p> <p>(d) a communication or electricity cable that is buried or attached to a bridge, access structure or pole; or</p> <p>(e) marine communications equipment and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities)) Regulations 2009 (Appendix 6).</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 33 or Rule 34 depending on the coastal management area involved.</i></p>	22	<p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Controlled	<p>(a) no erosion or scour results from erection or placement of the structure;</p> <p>(b) erection or placement of the structure does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</p> <p>(c) <u>erection or placement of the structure does not have adverse effect on Schedules 1 and 2</u></p> <p>(d) <u>the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</u></p> <p>(e) <u>does not adversely affect the suitability of the receiving water for customary use</u></p> <p>erection or placement of the structure does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; <u>and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</u> and</p> <p>(f) structure does not adversely affect access to or use of the area surrounding the structure.</p>	<p>Control is reserved over:</p> <p>(a) location, method, timing and notification of works;</p> <p>(b) design, construction, maintenance and decommissioning of structure;</p> <p>(c) effects on other authorised structures or activities;</p> <p>(d) sediment movement and erosion;</p> <p>(e) <u>effects on matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(f) effects on water quality <u>and mauri values;</u></p> <p>(g) effects on ecological values;</p> <p>(h) effects on historic, cultural and amenity values;</p> <p>(i) effects on surf breaks;</p> <p>(j) effects of occupation on public access;</p> <p>(k) effects on navigation;</p> <p>(l) effects of noise and light;</p> <p>(m) <u>consistent with iwi management plan.</u></p> <p>(n) monitoring (<u>including tangata whenua indicators referred to in the tangata whenua monitoring plan</u>) and information requirements;</p> <p>(o) duration of consent; and</p> <p>(p) review of consent conditions.</p> <p>(q) <u>Effects on Cultural Zone (referred to in Spatial Plan)</u></p> <p>Resource consent applications under this Rule will <u>not be publicly notified but may be limited notified.</u></p>	<p>General Policies</p> <p>1 to 21</p> <p>and</p> <p>Activity-based Policies</p> <p>22, 31, 32, 39, 40, 41, 42, 49</p>
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Port launching, mooring or berthing structure erection or placement in the Port

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Launching, mooring or berthing structure erection or placement excluding:</p> <p>a) placement or erection of any structure seaward of the Main Breakwater or Lee Breakwater; or within 200 m perpendicular from mean high water springs of Ngāmotu Beach;</p> <p>(b) any structure with a horizontal projection of 50 m or more; and</p> <p>(c) any structure that interferes with the New Plymouth Airport Flight Path Protection Surfaces shown in Appendix 3</p> <p>and any associated:</p> <p>(a) occupation of space (including renewal of occupation) in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment</p> <p>and does not come within or comply with Rule 19 and 20.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 33.</i></p>	23	Port	Controlled	<p>(a) structure does not present a hazard to navigation and shipping;</p> <p>(b) structure does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 [Historic heritage]; and</p> <p>(c) structure does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems].</p>	<p>Control is reserved over:</p> <p>a) location, method, timing and notification of works;</p> <p>(b) design, construction, maintenance and methods available for decommissioning of structure;</p> <p>(c) effects on other authorised structures or activities;</p> <p>(d) sediment movement and erosion;</p> <p>(e) effects on water quality;</p> <p>(f) effects on ecological values;</p> <p>(g) effects on historic, cultural and amenity values;</p> <p>(h) effects of occupation on public access;</p> <p>(i) effects on navigation;</p> <p>(j) effects of noise and light;</p> <p>(k) monitoring and information requirements;</p> <p>(l) duration of consent; and</p> <p>(m) review of consent conditions.</p> <p>Resource consent applications under this Rule will not be publicly notified but may be limited notified.</p>	<p>General Policies 1 to 21 and Activity-based Policies 22, 31, 32, 39, 40, 41, 42, 49</p>



Structure used for whitebaiting

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Erection or placement of a structure used for whitebaiting.	24	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Prohibited			

Hard protection structure erection or placement

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Hard protection structure erection or placement for the purpose of erosion control and any associated: (a) occupation of space (including renewal of occupation) in the common marine and coastal area; (b) disturbance of the foreshore or seabed; (c) deposition in, on or under the foreshore or seabed; and (d) discharge of sediment.	25	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Discretionary	(a) <u>placement of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u> (b) <u>discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u> (c) <u>discharge is consistent with iwi management plan.</u>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	General Policies 1 to 21 and Activity-based Policies 22, 31, 32, 33, 34, 35, 39, 40, 41, 42, 44, 45, 46, 49



Exploration or appraisal well drilling

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Exploration or appraisal well drilling by an offshore installation or drilling ship, or directional drilling by a land based drilling rig, and placement of a well structure in, on, under or over the foreshore or seabed</p> <p>and any associated:</p> <p>(a) repair, alteration, extension and abandonment of the well structure fixed in, on, under or over any foreshore or seabed;</p> <p>(b) occupation of space in the common marine and coastal area;</p> <p>(c) disturbance of the foreshore or seabed;</p> <p>(d) deposition in, on or under the foreshore or seabed;</p> <p>(e) discharge of contaminants into water, into, on or under the foreshore or seabed, or into air; and</p> <p>(f) taking of water and heat incidental to the drilling process;</p> <p>excluding discharges regulated by the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5).</p> <p><i>Note (1): Where the well head originates landward of the coastal marine area and enters the coastal marine area under the seabed only condition (f) will apply.</i> <i>Note(2): If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 27.</i></p>	26	Open Coast Port	Controlled Discretionary	<p>(a) drilling is not undertaken within 2,000 m of any site where drilling has occurred in the previous five years;</p> <p>(b) drilling is not undertaken directly into or within 1000 m of any sensitive marine benthic habitat identified in Schedule 4B or reef system;</p> <p>(c) drilling is not undertaken within any with historic heritage identified in Schedule 5 [Historic heritage];</p> <p>(d) drilling does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems];</p> <p>(e) drilling is undertaken at least 2,000 m from the line of mean high water springs or at least 1,000 m from the boundary of coastal management area – Outstanding Value;</p> <p>(f) only water-based or synthetic-based drilling fluids and muds are used; and</p> <p>(g) activity complies with the general standards in Section 8.6 of this Plan.</p> <p>(a) <u>placement of structure and discharge does not adversely affect the cultural impact assessment;</u></p> <p>(b) <u>discharge complies with tangata whenua indicators referred to in the cultural impact assessment;</u></p> <p>(c) <u>discharge is consistent with iwi management plan.</u></p>	<p>Control is reserved over:</p> <p>(a) compliance with relevant legislation and regulations¹ managing well integrity and discharges (including relating to the management of hazardous substances), and provision of relevant supporting documentation²;</p> <p>(b) well integrity, maintenance and abandonment;</p> <p>(c) any incidental discharges;</p> <p>(d) location, method, timing and notification of works;</p> <p>(e) effects on other authorised structures or activities;</p> <p>(f) sediment movement and erosion;</p> <p>(g) effects on water quality;</p> <p>(h) effects on ecological values;</p> <p>(i) effects on historic, cultural and amenity values;</p> <p>(j) effects on surf breaks;</p> <p>(k) effects of occupation on public access;</p> <p>(l) effects on navigation;</p> <p>(m) effects of noise and light;</p> <p>(n) monitoring and information requirements;</p> <p>(o) duration of consent; and</p> <p>(p) review of consent conditions.</p>	<p>General Policies 1 to 21 and Activity-based Policies 22, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47, 49</p>

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
					<p>Resource consent applications under this Rule will not be publicly notified but may be limited notified.</p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	

¹ Current examples include:

- Part 6 Well Operations provisions of the Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 2013 whereby there is considerable overlap between Health and Safety in Employment and environmental considerations.
- Maritime Transport Act 1994 and associated Marine Protection Rules
- Resource Management (Marine Pollution) Regulations 1998.

² Current examples include:

- Well examiners verification of the well examination scheme under Part 6 Well Operations provisions of the Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 2013
- Valid International Oil Pollution Prevention Certificate applicable to the offshore installation being used, as required under Part 200 of the Marine Protection Rules (note as above).
- Approved Discharge Management Plan as required under Part 200 of the Marine Protection Rules (soon to become Marine Oil Spill Contingency Plan under Part 131 of the Marine Protection Rules).

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Exploration or appraisal well drilling by an offshore installation or drilling ship, or directional drilling by a land based drilling rig, and placement of a well structure in, on, under or over the foreshore or seabed</p> <p>and any associated:</p> <p>(a) repair, alteration, extension and abandonment of the well structure fixed in, on, under or over any foreshore or seabed;</p> <p>(b) temporary exclusive occupation of space in the common marine and coastal area;</p> <p>(c) disturbance of the foreshore or seabed;</p> <p>(d) deposition in, on or under the foreshore or seabed;</p> <p>(e) discharge of contaminants into water, into, on or under the foreshore or seabed, or into air; and</p> <p>(f) taking of water and heat incidental to the drilling process</p> <p>excluding discharges regulated by the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5) and does not come within or comply with Rule 26.</p>	27	Open Coast Port	Discretionary	<p>(a) <u>exploration or appraisal well drilling does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>exploration or appraisal well drilling complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>exploration or appraisal well drilling is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	<p>General Policies 1 to 21 and Activity-based Policies 22, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47, 49</p>



Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Exploration or appraisal well drilling by an offshore installation or drilling ship, or directional drilling by a land based drilling rig, and placement of a well structure in, on, under or over the foreshore or seabed</p> <p>and any associated:</p> <p>(a) repair, alteration, extension and abandonment of the well structure fixed in, on, under or over any foreshore or seabed;</p> <p>(b) temporary exclusive occupation of space in the common marine and coastal area;</p> <p>(c) disturbance of the foreshore or seabed;</p> <p>(d) deposition in, on or under the foreshore or seabed;</p> <p>(e) discharge of contaminants into water, into, on or under the foreshore or seabed, or into air; and</p> <p>(f) taking of water and heat incidental to the drilling process;</p> <p>excluding discharges regulated by the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5).</p>	28	Outstanding Value Estuaries Unmodified Estuaries Modified	Non-complying	<p>(a) <u>exploration or appraisal well drilling does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>exploration or appraisal well drilling complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>exploration or appraisal well drilling is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	<p>General Policies 1 to 21 and Activity-based Policies 22, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47, 49</p>



Petroleum production installation erection or placement

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Petroleum production installation erection or placement, including drilling of any production wells and placement of any pipelines, in, on, under or over the foreshore or seabed and any associated:</p> <p>(a) repair, alteration, extension, removal and abandonment of a well and other structures fixed in, on, under, or over any foreshore or seabed;</p> <p>(b) occupation of space in the common marine and coastal area by an offshore installation, pipeline or drilling ship;</p> <p>(c) disturbance of the foreshore or seabed;</p> <p>(d) deposition in, on or under the foreshore or seabed;</p> <p>(e) discharge of contaminants into water, into, on or under the foreshore or seabed, or into air; and</p> <p>(f) taking of water and heat incidental to the drilling process and the taking of heat and produced water;</p> <p>excluding discharges regulated by the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5).</p>	29	Open Coast Port	Discretionary	<p>(a) <u>placement of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>placement of structure and discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>placement of structure and discharge is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	General Policies 1 to 21 and Activity-based Policies 22, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47, 49

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Petroleum production installation erection or placement including drilling of any production wells and placement of any pipelines, in, on, under or over the foreshore or seabed</p> <p>and any associated:</p> <p>(a) repair, alteration, extension, removal and abandonment of a well and other structures fixed in, on, under, or over any foreshore or seabed;</p> <p>(b) occupation of space in the common marine and coastal area by an offshore installation or drilling ship;</p> <p>(c) disturbance of the foreshore or seabed;</p> <p>(d) deposition in, on or under the foreshore or seabed;</p> <p>(e) discharge of contaminants into water, into, on or under the foreshore or seabed, or into air; and</p> <p>(f) taking of water and heat incidental to the drilling process and the taking of heat and produced water</p> <p>excluding discharges regulated by the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5).</p>	30	Outstanding Coastal Estuaries Unmodified Estuaries Modified	Non-complying	<p>(a) <u>placement of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>placement of structure and discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>placement of structure and discharge is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	General Policies 1 to 21 and Activity-based Policies 22, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47, 49



Temporary military training



Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
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<p>Temporary military training activities that do not involve excavation or use of explosives, including placement of temporary structures and temporary exclusive occupation of the common marine and coastal area and any associated:</p> <p>(a) noise;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment.</p> <p><i>Note (1): Iwi authorities that have requested to be informed of this activity will be advised by Council.</i></p> <p><i>Note (2): If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 32.</i></p>	31	<p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Permitted	<p>(a) occupation is for a period of no more than three consecutive weeks;</p> <p>(b) activity does not involve construction of permanent structures;</p> <p>(c) Taranaki Regional Council is informed of the activity at least five working days prior to commencement by entering details of the activity at www.trc.govt.nz/informcouncil;</p> <p>(d) written notice is given to the adjacent territorial authority at least five working days prior to the activity commencing;</p> <p>(e) signs are located at the site of the activity notifying the public of the details of the activity, any restrictions imposed on the use of the area and contact information of the organiser at least seven working days prior to the activity commencing;</p> <p>(f) the details of the activity, along with any restrictions imposed on the use of the area, are published in a newspaper circulating in the entire area likely to be affected by the activity at least 14 working days prior to the activity commencing;</p> <p>(g) activity complies with the general standards specified in Section 8.6 of this Plan;</p> <p>(h) activity does not exclude, or effectively exclude, public access from areas of the coastal marine area over 10 ha or from more than 320 m along the length of the foreshore;</p> <p>(i) activity does not hinder the operation requirements of emergency services including the coastguard, police and surf lifesaving;</p> <p>(j) activity does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</p> <p>(k) activity and discharge does not have adverse effect on Schedules 1 and 2</p> <p>(l) activity and discharge does not adversely affect the suitability of the receiving water for customary use</p> <p>(m) the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</p> <p>activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant indigenous biodiversity] and taonga species protected under Taranaki iwi Deed of Settlement including</p>		
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Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
				those identified in Schedule 4C [Taonga species and habitat]		



<p>Temporary military training involving placement of temporary structures and temporary exclusive occupation of the common marine and coastal area and any associated</p> <p>(a) noise;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment</p> <p>and does not come within or comply with Rule 31.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 32 or Rule 33 depending on the coastal management area involved.</i></p>	32	<p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Controlled	<p>(b) activity does not exclude, or effectively exclude, public access from areas of the coastal marine area over 10 ha or from more than 320 m along the length of the foreshore;</p> <p>(c) activity does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</p> <p>(d) <u>the discharge does not have adverse effect on Schedules 1 and 2</u></p> <p>(e) <u>the discharge does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</u></p> <p>activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]. and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</p> <p>(f) <u>the discharge does not adversely affect the suitability of the receiving area for customary use</u></p> <p>(g) <u>discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(h) <u>discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(i) <u>discharge is consistent with iwi management plan.</u></p>	<p>Control is reserved over:</p> <p>(a) location, method, timing and notification of works;</p> <p>(b) design, construction and decommissioning of structures;</p> <p>(c) effects on other authorised structures or activities;</p> <p>(d) sediment movement and erosion;</p> <p>(e) effects on water quality and mauri values;</p> <p>(f) effects on ecological values;</p> <p>(g) effects on historic, cultural and amenity values;</p> <p>(h) effects on amenity values;</p> <p>(i) effects on surf breaks;</p> <p>(j) effects of occupation on public access;</p> <p>(k) effects on navigation;</p> <p>(l) effects of noise and light;</p> <p>(m) <u>effects on Cultural Zone (referred to in Spatial Plan)</u></p> <p>(n) monitoring (<u>including tangata whenua indicators referred to in the tangata whenua monitoring plan</u>) and information requirements;</p> <p>(o) duration of consent; and</p> <p>(p) review of consent conditions.</p> <p>Resource consent applications under this Rule will not be publicly notified but may be limited notified.</p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	<p>General Policies</p> <p>1 to 21</p> <p>and</p> <p>Activity-based Policies</p> <p>22, 28, 30, 31, 32, 38, 39, 40, 41, 42, 47, 49</p>
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Other structure erection or placement not provided for in Rules 18 to 32

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Structure erection or placement and any associated: (a) occupation of space in the common marine and coastal area and does not come within or comply with Rules 18 to 32, or any other Rule in this Plan or <i>the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009</i> (Appendix 6).	33	Estuaries Modified Open Coast Port	Discretionary	(a) <u>placement of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u> (b) <u>placement of structure and discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u> (c) <u>placement of structure and discharge is consistent with iwi management plan.</u>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	General Policies 1 to 21 and Activity-based Policies 31, 32, 33, 34, 35, 39, 49
Structure erection or placement and any associated: (a) occupation of space in the common marine and coastal area and does not come within or comply with Rules 18 to 32, any other Rule in this Plan or <i>the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009</i> (Appendix 6).	34	Outstanding Value Estuaries Unmodified	Non-complying	(a) <u>placement of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u> (b) <u>placement of structure and discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u> (c) <u>placement of structure and discharge is consistent with iwi management plan.</u>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	General Policies 1 to 21 and Activity-based Policies 31, 32, 33, 34, 35, 39, 49

Structure maintenance, repair or minor alteration

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Existing lawfully established structure maintenance, repair or minor alteration and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment</p> <p>excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).</p>	35	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p>	Permitted	<p>(a) size of the structure, including length, width and height, does not increase beyond original size (except for existing communications cables or electricity transmission lines where these activities do not result in an increase in the design voltage and the new or altered cables or lines are not lower in height above the foreshore or seabed);</p> <p>(b) materials used match the existing materials in form and appearance;</p> <p>(c) <u>the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</u></p> <p>(d) <u>the activity does not have adverse effect on Schedules 1 and 2</u></p> <p>(e) for structures <u>and culturally significant areas</u> identified in Schedule 5 <u>[Cultural and</u> Historic heritage];</p> <p>(i) there are no changes to the existing surface treatment of fabric, painting of any previously unpainted surface, or the rendering of any previously un-rendered surface;</p> <p>(ii) there are no changes to the design, texture, or form of the fabric; and</p> <p>(iii) there is no abrasive or high-pressure cleaning method, such as sand or water blasting, used;</p> <p>(f) after reasonable mixing any discharge does not give rise to:</p> <p>(i) any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;</p> <p>(ii) any conspicuous change of colour or visual clarity; or</p> <p>(iii) any emission of objectionable odour;</p> <p>(g) the extent of disturbance of the foreshore and seabed is limited to the minimum required to undertake the activity; <u>and does not adversely affect continued customary use within the area;</u></p> <p>(h) activity complies with general standards in Section 8.6;</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
				<p>activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; <u>and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</u> and</p> <p>(i) Taranaki Regional Council is informed of the activity at least five working days before commencement by entering details of the activity at www.trc.govt.nz/informcouncil.</p>		

Hard protection structure repair, alteration, extension or removal and replacement

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Existing lawfully established hard protection structure repair, alteration, extension or removal and replacement and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment</p> <p>and does not come within or comply with Rules 35 and 38.</p>	36	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Discretionary	<p>(a) <u>repair, alteration, extension or removal of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>repair, alteration, extension or removal of structure and discharge comply with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>repair, alteration, extension or removal of structure and discharge is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	<p>General Policies</p> <p>1 to 21</p> <p>and</p> <p>Activity-based Policies</p> <p>22, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 49</p>



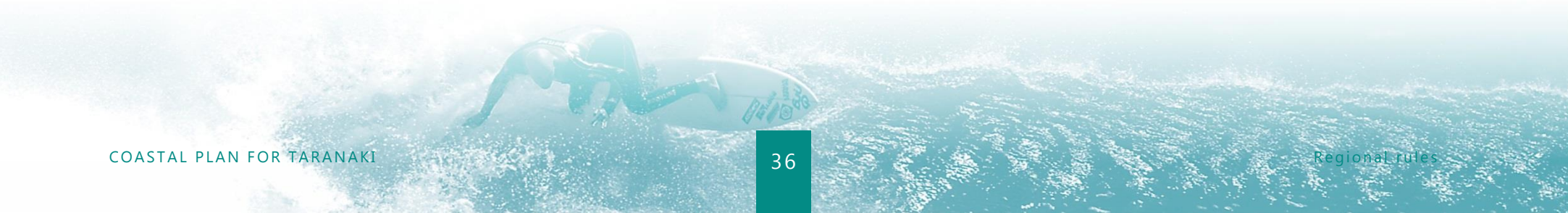
Network utility structure repair, alteration or extension

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Lawfully established network utility structure repair, alteration or extension where the structure is:</p> <p>(a) a pipeline that is buried or attached to a bridge or access structure;</p> <p>(b) an outfall structure;</p> <p>(c) an intake structure;</p> <p>(d) a communication or electricity cable that is buried or attached to a bridge or access structure; or</p> <p>(e) marine communications equipment excluding:</p> <p>(a) any structure seaward of the Main Breakwater or Lee Breakwater in coastal management area - Port and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment</p> <p>and does not come within or comply with Rule 35</p> <p>excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities)) Regulations 2009 (Appendix 6).</p>	37	Estuaries Unmodified Estuaries Modified Open Coast Port	Controlled	<p>(a) structure is necessary to enable the safe and efficient conduct of utility operations;</p> <p>(b) no erosion or scour results from the structure;</p> <p>(c) the activity does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</p> <p>(d) <u>the activity does not have adverse effect on Schedules 1 and 2</u></p> <p>(e) <u>the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values];</u></p> <p>structure does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems] and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</p> <p>(f) <u>activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(g) <u>activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(h) <u>activity is consistent with iwi management plan.</u></p>	<p>Control is reserved over:</p> <p>(a) location, method, timing and notification of works;</p> <p>(b) design, construction, maintenance and decommissioning of structure;</p> <p>(c) effects on other authorised structures or activities;</p> <p>(d) sediment movement and erosion;</p> <p>(e) effects on water quality and mauri values;</p> <p>(f) effects on ecological values;</p> <p>(g) effects on historic, cultural and amenity values;</p> <p>(h) effects on surf breaks;</p> <p>(i) effects of occupation on public access;</p> <p>(j) effects on navigation;</p> <p>(k) effects of noise and light;</p> <p>(l) <u>effects on Cultural Zone (referred to in Spatial Plan)</u></p> <p>(m) monitoring (including tangata whenua indicators referred to in the tangata whenua monitoring plan) and information requirements;</p> <p>(n) duration of consent; and</p> <p>(o) review of consent conditions.</p> <p>Resource consent applications under this Rule will not be publicly notified but may be limited notified.</p>	<p>General Policies 1 to 21 and Activity-based Policies 22, 31, 32, 36, 37, 39, 40, 41, 42, 44, 49</p>

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 42 or Rule 43 depending on the coastal management area involved.</i></p>					<p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	



Structure removal and replacement



Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
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<p>Existing lawfully established structure removal and replacement excluding:</p> <ul style="list-style-type: none"> (a) Waitara and Pātea River control arms; (b) Main Breakwater or Lee Breakwater; (c) petroleum production installations and pipelines; (d) hard protection structures; and (e) bridges <p>and any associated:</p> <ul style="list-style-type: none"> (a) occupation of space in the common marine and coastal area; (b) disturbance of the foreshore or seabed; (c) deposition in, on or under the foreshore or seabed; and (d) discharge of sediment <p>excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).</p> <p><i>Note (1): Iwi authorities that have requested to be informed of this activity will be advised by the Council.</i></p> <p><i>Note (2): For hard protection structures refer to Rule 36.</i></p>	38	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Permitted	<ul style="list-style-type: none"> (a) the replacement structure has a functional need or operational requirement to be located in the coastal marine area; (b) the activity does not require the use of explosives; (c) the extent of disturbance of the foreshore and seabed is limited to the minimum required to undertake the activity; (d) replacement structure maintains the form of the original structure with no increase in length, width or height, or increase in adverse effects; (e) materials used match the existing materials in form and appearance and have comparable effects; (f) the replacement structure is built in the same location as the original structure; (g) the existing structure is removed completely with no waste being placed into the coastal marine area; (h) activity complies with the general standards in Section 8.6; (i) structure is not located within cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage]; or any other archaeological site; (j) <u>structure is not located within Schedules 1 and 2</u> (k) <u>structure does not adversely affect the suitability of the receiving area for customary use</u> (l) <u>structure is not located within any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</u> (m) <u>structure is not located at any site identified in Schedules 5[Sites of geological significance];</u> <p>activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</p> <ul style="list-style-type: none"> (n) Taranaki Regional Council is informed of the activity at least five working days before commencement by entering details of the activity at www.trc.govt.nz/informcouncil. 		
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Port wharves or breakwaters and attached structures, maintenance, repair or alteration

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Existing lawfully established structure maintenance, repair or alteration where the activity relates to that part of the wharves or breakwaters that is normally above the water surface including any attached structures, and relates directly to port company operations and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) deposition in, on or under the foreshore or seabed; and</p> <p>(c) discharge of contaminants</p> <p>and does not come within or comply with Rule 35.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 40.</i></p>	39	Port	Permitted	<p>(a) size of the structure does not increase beyond original size;</p> <p>(b) activity complies with the general standards of Section 8.6;</p> <p>(c) after reasonable mixing any discharge does not give rise to:</p> <p>(i) any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;</p> <p>(ii) any conspicuous change of colour or visual clarity; or</p> <p>(iii) any emission of objectionable odour;</p> <p>(d) activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; and</p> <p>(e) Taranaki Regional Council is informed of the activity at least five working days before commencement by entering details of the activity at www.trc.govt.nz/informcouncil.</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Existing lawfully established structure maintenance, repair or alteration where the activity relates to that part of the wharves or breakwaters that is normally above the water surface including any attached structures and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of contaminants</p> <p>and activity does not come within or comply with Rule 39.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 42.</i></p>	40	Port	Controlled	<p>(a) size of the structure does not increase beyond original size; and</p> <p>(b) activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems].</p>	<p>Control is reserved over:</p> <p>(a) location, method, timing and notification of works;</p> <p>(b) design, construction, maintenance and decommissioning of structure;</p> <p>(c) effects on other authorised structures or activities;</p> <p>(d) effects on water quality;</p> <p>(e) effects on ecological values;</p> <p>(f) effects on historic, cultural and amenity values;</p> <p>(g) effects of occupation on public access;</p> <p>(h) effects on navigation;</p> <p>(i) effects of noise and light;</p> <p>(j) monitoring and information requirements;</p> <p>(k) duration of consent; and</p> <p>(l) review of consent conditions.</p> <p>Resource consent applications under this Rule will not be publicly notified but may be limited notified.</p>	<p>General Policies 1 to 21 and Activity-based Policies 22, 31, 36, 37, 39, 40, 41, 42, 44, 49</p>

Port launching mooring or berthing structure repair, alteration or extension

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Existing lawfully established launching, mooring or berthing structure repair, alteration or extension excluding:</p> <p>(a) any seaward extension of the Main Breakwater or Lee Breakwater;</p> <p>(b) extension of any structure seaward of the Main Breakwater or Lee Breakwater; or within 200 m perpendicular from mean high water springs of Ngāmotu Beach;</p> <p>(c) extension of any structure 50 m or more in a horizontal projection; and</p> <p>(d) any structure that interferes with the New Plymouth Airport Flight Path Protection Surfaces shown in Appendix 3</p> <p>and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment</p> <p>and activity does not come within or comply with Rules 36, 37, 38, 39 or 40.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 42.</i></p>	41	Port	Controlled	<p>(a) activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant indigenous biodiversity];</p> <p>(b) structure does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 [Historic heritage]; and</p> <p>(c) structure, when completed, does not prevent reasonable navigation between any existing launching, mooring or berthing facility and the Port entrance.</p>	<p>Control is reserved over:</p> <p>(a) location, method, timing and notification of works;</p> <p>(b) design, construction, maintenance and decommissioning of structure;</p> <p>(c) effects on other authorised structures or activities;</p> <p>(d) sediment movement and erosion;</p> <p>(e) effects on water quality;</p> <p>(f) effects on ecological values;</p> <p>(g) effects on historic, cultural and amenity values;</p> <p>(h) effects on surf breaks;</p> <p>(i) effects of occupation on public access;</p> <p>(j) effects on navigation;</p> <p>(k) effects of noise and light;</p> <p>(l) monitoring and information requirements;</p> <p>(m) duration of consent; and</p> <p>(n) review of consent conditions.</p> <p>Resource consent applications under this Rule will not be publicly notified but may be limited notified.</p>	<p>General Policies 1 to 21 and Activity-based Policies 22, 31, 36, 37, 39, 40, 41, 42, 44, 49</p>

Other structure repair, alteration, extension or removal and replacement that is not provided for in Rules 35 to 41

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Structure repair, alteration, extension or removal and replacement and any related occupation of the common marine and coastal area and the activity or structure does not come within or comply with any of Rules 35 to 41 or <i>the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009</i> (Appendix 6).	42	Estuaries Modified Open Coast Port	Discretionary	<p>(a) <u>repair, alteration, extension or removal of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>repair, alteration, extension or removal of structure and discharge comply with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>repair, alteration, extension or removal of structure and discharge is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	General Policies 1 to 21 and Activity-based Policies 36, 37, 38
Structure repair, alteration, extension or removal and replacement and any related occupation of the common marine and coastal area and the activity or structure does not come within or comply with any of Rules 35 to 41 or <i>the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 1998</i> (Appendix 5).	43	Outstanding Value Estuaries Unmodified	Non-complying	<p>(a) <u>repair, alteration, extension or removal of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>repair, alteration, extension or removal of structure and discharge comply with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>repair, alteration, extension or removal of structure and discharge is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	General Policies 1 to 21 and Activity-based Policies 36, 37, 38



Structure removal or demolition

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Structure removal or demolition that does not involve the use of explosives, excluding:</p> <p>(a) Waitara and Pātea river control arms;</p> <p>(b) Main Breakwater or Lee Breakwater;</p> <p>(c) petroleum production installations and pipelines;</p> <p>(d) hard protection structures; and</p> <p>(e) bridges</p> <p>and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment</p> <p>excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 45.</i></p>	44	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Permitted	<p>(a) the extent of disturbance of the foreshore and seabed is limited to the minimum required to undertake the activity;</p> <p>(b) the structure is removed completely with no waste being placed into the coastal marine area;</p> <p>(c) removal or demolition of structure does not significantly affect sediment movement or lead to increased erosion or scour;</p> <p>(d) activity complies with the general standards in Section 8.6;</p> <p>(e) activity is not located within any cultural and historic heritage sites identified in Schedule 5 [Cultural and Historic heritage]] or any other archaeological site;</p> <p>(f) activity is not located within Schedules 1 and 2</p> <p>(g) the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</p> <p>(h) activity does not adversely affect the suitability of the receiving environment for customary use</p> <p>activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat] and</p> <p>(i) Taranaki Regional Council is informed of the activity at least five working days before commencement by entering details of the activity at www.trc.govt.nz/informocouncil.</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Structure removal or demolition excluding:</p> <p>(a) Waitara and Pātea River control arms;</p> <p>(b) Main Breakwater or Lee Breakwater; and</p> <p>(c) petroleum production installations and pipelines;</p> <p>and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of contaminants</p> <p>and the activity does not come within or comply with Rule 45 or <i>the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 1998</i> (Appendix 5).</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 46.</i></p>	45	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Controlled	<p>(a) activity is not located within any <u>cultural and</u> historic heritage sites identified in Schedule 5 [<u>Cultural and</u> Historic heritage]] or any other archaeological site;</p> <p>(b) <u>activity is not located within Schedules 1 and 2</u></p> <p>(c) <u>activity does not adversely affect the suitability of the receiving environment for customary use</u></p> <p><u>activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</u></p> <p>(d) <u>the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</u></p> <p>(e) <u>activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(f) <u>activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(g) <u>activity is consistent with iwi management plan.</u></p>	<p>Control is reserved over:</p> <p>(a) location, method, timing and notification of works;</p> <p>(b) effects on other authorised structures or activities;</p> <p>(c) sediment movement and erosion;</p> <p>(d) effects on water quality <u>and mauri values;</u></p> <p>(e) effects on ecological values;</p> <p>(f) effects on historic, cultural and amenity values;</p> <p>(g) effects on surf breaks;</p> <p>(h) effects of occupation on public access;</p> <p>(i) effects on navigation;</p> <p>(j) effects of noise and light;</p> <p>(k) <u>effects on Cultural Zone (referred to in Spatial Plan)</u></p> <p>(l) monitoring (<u>including tangata whenua indicators referred to in the tangata whenua monitoring plan</u>) and information requirements;</p> <p>(m) duration of consent; and</p> <p>(n) review of consent conditions.</p> <p><u>Resource consent applications under this Rule will not be publicly notified but may be limited notified.</u></p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	<p>General Policies 1 to 21 and Activity-based Policies 22, 38, 40, 41, 42, 44, 49</p>

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Structure removal or demolition and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of contaminants</p> <p>and the activity does not come within or comply with Rules 44 or 45 or the <i>Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 1998</i> (Appendix 5).</p>	46	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Discretionary	<p>(a) <u>demolition or removal of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>demolition or removal of structure and discharge comply with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>demolition or removal of structure and discharge is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	<p>General Policies 1 to 21 and Activity-based Policies 22, 38, 40, 41, 42, 44, 49</p>



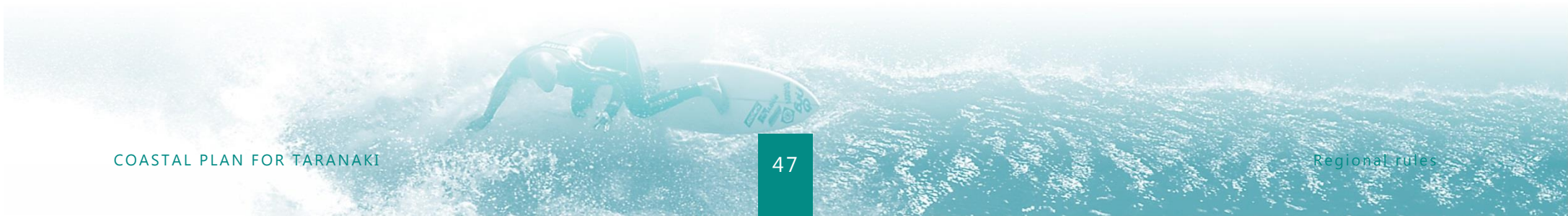
Community, recreational or sporting activity

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Community, recreational or sporting activity involving temporary occupation of the common marine and coastal area and any associated:</p> <p>(a) disturbance of the foreshore or seabed.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 51.</i></p>	47	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Permitted	<p>activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant indigenous biodiversity]; and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</p> <p>(b) the activity does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</p> <p>(c) the activity does not have adverse effect on Schedules 1 and 2</p> <p>(d) the activity does not adversely affect the suitability of the receiving environment for customary use</p> <p>(e) the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</p> <p>(f) activity does not present a hazard to navigation and shipping;</p> <p>(g) activity complies with the general standards in Section 8.6;</p> <p>(h) activity does not involve disturbance of the foreshore or seabed or other works that will have an effect that lasts longer than four high tides after the conclusion of the event;</p> <p>(i) the details of the activity, along with any restrictions imposed on the use of the area, are published in a newspaper circulating in the entire area likely to be affected by the activity at least 14 days prior to the event;</p> <p>(j) Taranaki Regional Council is informed of the activity at least five working days prior to commencement by entering details of the activity at www.trc.govt.nz/informcouncil;</p> <p>(k) written notice is given to the adjacent Territorial Authority at least five working days prior to the activity commencing;</p> <p>(l) signs are located at the site of the activity notifying the public of the details of the activity, any restrictions imposed on the use of</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
				<p>the area and contact information of the organiser for at least the seven working days prior to the activity commencing;</p> <p>(m) activity does not restrict public access or exclude the public for a period of longer than four consecutive days;</p> <p>(n) all litter and other refuse attributable to the activity is removed from the area of the activity on a daily basis;</p> <p>(o) activity occupies an area extending seaward that runs no more than 300 m along or parallel to the line of mean high water spring at any time; and</p> <p>(p) activity does not hinder the operational requirements of emergency services including the coastguard, police and surf lifesaving.</p>		

Continued occupation

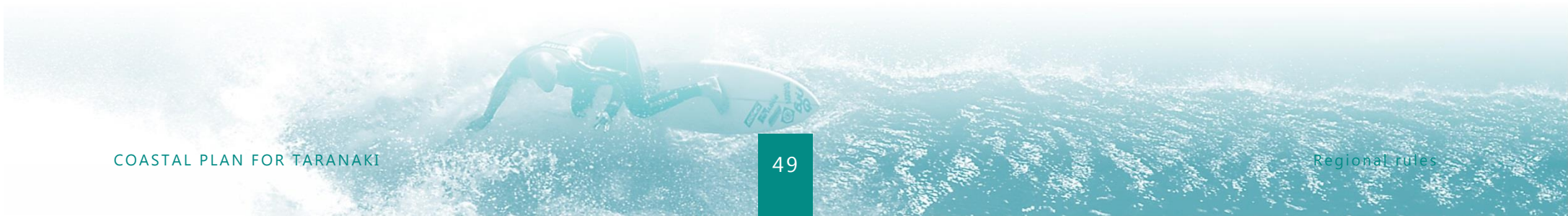
Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Continued occupation of the common marine and coastal area, with an existing lawfully established structure, where the occupation was a permitted activity at the time of placement or erection.	48	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	(a) the structure is being used for its original purpose.		



Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Continued occupation of the common marine and coastal area with an existing lawfully established structure after its consent expires, where the occupation was a controlled activity at the time of placement or erection.	49	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Controlled	<p>(a) the structure is being used for its originally consented purpose.</p> <p>(b) <u>Continued occupation does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(c) <u>Continued occupation complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(d) <u>Continued occupation is consistent with iwi management plan.</u></p>	<p>(a) maintenance and decommissioning of structure;</p> <p>(b) effects on other authorised structures or activities;</p> <p>(c) sediment movement and erosion;</p> <p>(d) effects on water quality <u>and mauri values;</u></p> <p>(e) effects on ecological values;</p> <p>(f) effects on historic, cultural and amenity values;</p> <p>(g) effects on surf breaks;</p> <p>(h) effects of occupation on public access;</p> <p>(i) effects on navigation;</p> <p>(j) effects of noise and light;</p> <p>(k) <u>effects on Cultural Zone (referred to in Spatial Plan)</u></p> <p>(l) monitoring <u>(including tangata whenua indicators referred to in the tangata whenua monitoring plan)</u> and information requirements;</p> <p>(m) duration of consent; and</p> <p>(n) review of consent conditions.</p> <p><u>Resource consent applications under this Rule will not be publicly notified but may be limited notified.</u></p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	General Policies 1 to 21 and Activity-based Policies 22, 29, 30, 31, 32, 39, 49

Other occupation that is not provided for in Rules 47 to 49

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Occupation of the common marine and coastal area and the activity does not come within or comply with Rules 47 to 50 or any other Rule in this Plan or <i>the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 1998</i> (Appendix 5).	50	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Discretionary	<p>(a) <u>the occupation does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>the occupation complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>the occupation is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	General Policies 1 to 21 and Activity-based Policies 31, 32, 39



1.2 Disturbance, deposition and extraction

Clearance of outfalls, culverts and intake structures

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Clearance of outfalls, culverts and intake structures involving disturbance of the foreshore or seabed and deposition of materials onto the foreshore or seabed and any associated:</p> <p>(a) occupation of space in the common marine and coastal area; and</p> <p>(b) discharge of contaminants.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 60 or Rule 61 depending on the coastal management area involved.</i></p>	51	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	<p>(a) disturbance is for the purpose of removing accumulated sediment that is adversely affecting the use and performance of a culvert, outfall or intake structure;</p> <p>(b) amount of material removed is the minimum necessary to allow reasonable use of the structure;</p> <p>(c) material removed is placed on foreshore or seabed that consists of the same type of material;</p> <p>(d) activity complies with the general standards in Section 8.6; and</p> <p>(e) activity does not restrict public access for more than 24 hours.</p> <p>(f) <u>the discharge does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</u></p> <p>(g) <u>the discharge does not have adverse effect on Schedules 1 and 2</u></p> <p>(h) <u>the discharge does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</u></p> <p>(i) <u>the discharge does not adversely affect the suitability of the receiving environment for customary use</u></p> <p>(j) <u>activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type, or any sensitive marine benthic habitat including those identified in Schedule 4 [Significant indigenous biodiversity] or any reef system; and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</u></p>		

Collection of benthic grab samples

<p>Collection of benthic grab samples for scientific or monitoring purposes involving disturbance of the foreshore or seabed and removal of natural material from the foreshore or seabed and any associated:</p> <ul style="list-style-type: none"> (a) deposition of materials onto the foreshore or seabed; (b) occupation of space in the common marine and coastal area; and (c) discharge of sediment. <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 60 or Rule 61 depending on the coastal management area involved.</i></p>	52	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Permitted	<ul style="list-style-type: none"> (a) sampling is confined to mud, silt, sand, gravel and other fine sediments; (b) spacing between sampling locations is not less than 0.5 km; (c) recurrent sampling at the same location does not occur more frequently than once every two months; (d) the volume of material removed from a sampling location does not exceed 0.3 m³; (e) the area of seabed disturbed at a sampling location does not exceed 3 m²; (f) sampling does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage]; (g) <u>the sampling does not have adverse effect on Schedules 1 and 2</u> (h) <u>the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</u> (i) sampling does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type, or any sensitive marine benthic habitat including those identified in Schedule 4 [Significant indigenous biodiversity] or any reef system; and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat] <p>and</p> <ul style="list-style-type: none"> (i) Taranaki Regional Council is informed of the scale, location and timing of the activity at least five working days before work commences by entering details of the activity at www.trc.govt.nz/informcouncil. 		
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Minor disturbance and removal

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Removal of sand, shell shingle or other natural material involving minor disturbance of the foreshore and seabed, and any associated:</p> <p>(c) occupation of space in the common marine and coastal area; and</p> <p>(d) discharge of contaminants.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 60 or Rule 61 depending on the coastal management area involved.</i></p>	53	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Permitted	<p>(a) the activity does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</p> <p>(b) <u>the activity does not have adverse effect on Schedules 1 and 2</u></p> <p>(c) <u>the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</u></p> <p>the activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems] <u>and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat];</u></p> <p>(d) no more than 0.5 m³ of sand, shingle, shell or other natural material is taken by a person in a 12 month period;</p> <p>(e) the removal of natural material is not for commercial gain;</p> <p>(f) the area of excavation is smoothed over after the completion of the activity (e.g. no holes left on the foreshore);</p> <p>(g) the extent of the foreshore and seabed disturbance is limited to that required to undertake the activity; and</p> <p>(h) no motorised excavation machinery is used to disturb or remove sand, shingle, shell or other natural material.</p>		

Burial of dead animals

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Burial of dead animals undertaken by the Taranaki Regional Council, a territorial authority, the Department of Conservation, or agents of those organisations, involving disturbance of the foreshore and seabed and excavation and deposition of material and any associated:</p> <p>(a) occupation of space in the common marine and coastal area; and</p> <p>(b) discharge of contaminants.</p> <p><i>Note: (1) Ideally animals should be buried at least 2 m below the surface.</i> <i>Note: (2) If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 60 or Rule 61 depending on the coastal management area involved.</i></p>	54	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Permitted	<p>(a) the activity does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</p> <p>(b) the activity does not occur within Schedules 1 and 2</p> <p>(c) the activity does occur on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</p> <p>(d) the activity does not occur at any site identified in 6B [Sites of significance to Māori and associated values] except with express permission of the relevant iwi authority;</p> <p>(e) activity complies with the general standards in Section 8.6; the activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems] and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</p> <p>and</p> <p>(f) where a marine mammal is buried, the relevant iwi authority is notified prior to the burial taking place.</p>		

Dredging and spoil disposal

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Maintenance or capital dredging to ensure a safe navigational depth within Port Taranaki and its approaches involving disturbance of the seabed and any associated: (a) occupation of space in the common marine and coastal area; (b) discharge of contaminants; and (c) incidental deposition.	55	Port	Discretionary			General Policies 1 to 21 and Activity-based Policies 22, 30, 39, 40, 41, 42, 43, 44, 49
Deposition of natural material from port dredging on the foreshore or seabed and any associated: (a) occupation of space in the common marine and coastal area; (b) discharge of contaminants; and (c) disturbance of the foreshore or seabed.	56	Open Coast	Discretionary	(a) <u>the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u> (b) <u>the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u> (c) <u>the activity is consistent with iwi management plan.</u>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	General Policies 1 to 21 and Activity-based Policies 22, 39, 40, 41, 42, 43, 44, 49

Beach replenishment

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Beach replenishment involving deposition of natural material onto the foreshore or seabed and any associated: (a) occupation of space in the common marine and coastal area; (b) discharge of contaminants; and (c) disturbance of the foreshore or seabed that does not come within or comply with Rule 56.	57	Open Coast	Discretionary	(a) <u>the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u> (b) <u>the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u> (c) <u>the activity is consistent with iwi management plan.</u>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	General Policies 1 to 21 and Activity-based Policies 22, 40, 41, 42, 44, 49

Introduction of exotic plants

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Introduction of any exotic plant onto the foreshore or seabed.	58	Estuaries Modified Open Coast Port	Discretionary	<p>(a) <u>the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>the activity is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	General Policies 1 to 21 and Activity-based Policies 28
Introduction of any exotic plant onto the foreshore or seabed.	59	Outstanding Value Estuaries Unmodified	Non-complying	<p>(a) <u>the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>the activity is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	General Policies 1 to 21 and Activity-based Policies 28

Other disturbance, damage, destruction, removal or deposition that is not provided for in Rules 51 to 59

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Disturbance, damage or destruction of the foreshore or seabed including any:</p> <p>(a) removal of sand, shell, shingle or other natural material; or</p> <p>(b) deposition of material in, on or under the foreshore or seabed</p> <p>that does not come within or comply with Rules 51 to 59, or any other Rule in this Plan including the deemed rules in the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5) or the <i>Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009</i> (Appendix 6).</p>	60	Estuaries Modified Open Coast Port	Discretionary	<p>(a) <u>the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>the activity is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	General Policies 1 to 21 and Activity-based Policies 39, 40, 41, 42, 44
<p>Disturbance, damage or destruction of foreshore or seabed including any:</p> <p>(a) removal of sand, shell, shingle or other natural material; or</p> <p>(b) deposition of material in, on or under the foreshore or seabed</p> <p>that does not come within or comply with Rules 51 to 59, or any other Rule in this Plan including the deemed rules in the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5) or the <i>Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009</i> (Appendix 6).</p>	61	Outstanding Value Estuaries Unmodified	Non-complying	<p>(a) <u>the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>the activity is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	General Policies 1 to 21 and Activity-based Policies 39, 40, 41, 42, 44



1.3 Reclamation or drainage

Reclamation or drainage for erosion and flood control within areas of outstanding coastal value and unmodified estuaries

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Erosion control or flood control involving reclamation and draining of the foreshore or seabed and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance or destruction of the foreshore or seabed;</p> <p>(c) deposition of material in, on or under the foreshore or seabed; and</p> <p>(d) discharge of contaminants.</p> <p><i>Note: For reclamation and draining not related to flood control refer to Rule 63.</i></p>	62	Outstanding Value Estuaries Unmodified	Non-complying	<p>(a) <u>the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>the activity is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	<p>General Policies 1 to 21 and</p> <p>Activity-based Policies 22, 39, 40, 41, 42, 44, 45, 46, 49</p>

Other reclamation or drainage that is not provided for in Rule 62

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Reclamation and draining of the foreshore or seabed that does not come within or comply with Rule 62.</p>	63	Estuaries Modified Open Coast Port	Discretionary	<p>(a) <u>the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>the activity is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	<p>General Policies 1 to 21 and</p> <p>Activity-based Policies 45, 46</p>

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Reclamation and draining of the foreshore or seabed that does not come within Rule 62.	64	Outstanding Value Estuaries Unmodified	Prohibited			



1.4 Taking or use

Taking or use of water, heat or energy

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Taking or use of coastal water or taking or use of any heat or energy from coastal water, excluding water in estuaries.</p> <p><i>Note: For estuaries refer to Rule 66.</i></p>	65	Outstanding Value Open Coast Port	Permitted	<p>(a) the activity does not have an adverse effect on any site identified in Schedule 7A [Regionally and nationally significant surf breaks];</p> <p>(b) the activity does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</p> <p>(c) <u>the activity does not have adverse effect on Schedules 1 and 2</u></p> <p>(d) <u>the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</u></p> <p>(e) <u>the activity does not adversely affect the suitability of the receiving environment for customary use</u></p> <p>the activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant indigenous biodiversity]; <u>and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</u></p> <p>and</p> <p>(f) activity complies with the general standards in Section 8.6.</p>		
<p>Taking or use of water from an estuary or aquifer or taking or use of any heat or energy from water in an estuary or aquifer excluding taking or use of water which is allowed by sections 14(3)(d) or (e) of the Act.</p>	66	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Discretionary	<p>(a) <u>the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(b) <u>the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(c) <u>the activity is consistent with iwi management plan.</u></p>	<u>Resource consent applications under this Rule will be notified to tangata whenua.</u>	General Policies 1 to 21 and Activity-based Policy 47

Schedule 1 – Coastal management areas

Ngati Ruanui's recommendations are **underlined and written in red bold font.**

Coastal Management Area	Map Reference
1) Outstanding Value	
(i) Waihi Stream to Pariokariwa Point and Parininihi	Map Link Map – 1, 2, 3, 4, 5, 43
(ii) Mimi Estuary	Map Link Map - 7
(iii) Ngā Motu/Sugar Loaf Islands Marine Protected Area and Tapuae Marine Reserve	Map Link Map - 44
(iv) Hangatahua (Stony) River	Map Link Map - 17
(v) Oaonui (Sandy Bay)	Map Link Map - 23
(vi) Kaipokonui Estuary	Map Link Map - 28
(vii) Kapuni Stream	Map Link Map - 29
(viii) Whenuakura	Map Link Map - 36
(ix) Waipipi Dunes	Map Link Map – 36, 37
(x) Project Reef	Map Link Map - 42
(xi) North and South Traps	Map Link Map - 41
(xii) Waverley Beach	Map Link

	Map - 38
(xiii) Waitotara	Map Link Map - 38, 39
(xiv) Tangahoe – Hawera – Manutahi Reef system	
(xv) Patea Beach	
(xvi) Patea Beach Estuary	
(xvii) Ohawe Beach	
(xviii) Manawapou Beach	
(xix) Waihi Beach	
2) Estuaries Unmodified	
(i) Urenui Estuary	Map Link Map - 8
(ii) Onaero Estuary	Map Link Map - 8
(iii) Waiongana Estuary	Map Link Map - 11
(iv) Oakura Estuary	Map Link Map - 14
(v) Waingongoro Estuary	Map Link Map - 30
(vi) Tangahoe Estuary	Map Link Map - 32
(vii) Manawapou Estuary	Map Link Map - 32
(viii) Huroto Estuary	
(ix) Waihi Estuary	
(x) Katewheta Estuary	
(xi) Waikakai Estuary	
(xii) Mangaroa Estuary	
(xiii) Kaikura Estuary	

(xiv) <u>Whenuakura Estuary</u>	
3) Estuaries Modified	
(i) Waitara Estuary	Map Link Map - 10
(ii) Waiwhakaiho Estuary	Map Link Map - 12
(iii) Pātea Estuary	Map Link Map - 35
4) Open Coast – the area of the CMA not covered by the other management areas	
5) Port	Map Link Map - 13

Schedule 2 - Coastal areas of outstanding value

This Schedule identifies eight areas of outstanding natural character and nine areas that are outstanding natural features or landscapes. A values table and map for each area is included below. Information included within this Schedule has been informed by the report *Regional landscape study of the Taranaki coastal environment* (2015) and subsequent consultation undertaken as part of the Coastal Plan review. The report contains further information on the Taranaki coastal environment as a whole and the details of the assessments carried out to determine which coastal areas were considered to have outstanding value.

Areas of Outstanding Natural Character (ONC)	Map Reference
ONC 1 - Parinihi	Map Link Map - 43
ONC 2 - Mimi Estuary	Map Link Map - 7
ONC 3 - Paritutu, Ngā Motu (Sugar Loaf Islands) and Tapuae	Map Link Map - 44
ONC 4 - Whenuakura Estuary	Map Link Map - 36
ONC 5 - Waipipi Dunes	Map Link Map – 36, 37
ONC 6 - Project Reef	Map Link Map - 42
ONC 7 - North and South Traps	Map Link Map - 41
ONC 8 - Waitotara	Map Link Map - 39
<u>ONC 9 - Tangahoe – Hawera – Manutahi Reef system</u>	

Schedule 4 - Significant indigenous biodiversity

This schedule identifies indigenous species, ecosystems and habitats identified as being regionally significant for their coastal indigenous biodiversity values.

Schedule 4A includes a table identifying coastal indigenous flora and fauna species identified as threatened or at risk of extinction as defined by the New Zealand Threat Classification System and the International Union for Conservation of Nature and Natural Resources classification. Regionally Distinctive species are also included in this table. Naturally rare and uncommon ecosystem types found on the Taranaki coast are listed below the table.

Schedule 4B identifies sensitive marine benthic habitats found within or in the vicinity of the Taranaki CMA.

Schedule 4C identifies taonga species under Ngati Ruanui Claims Settlement Act 2003

Schedule 4C – Significant taonga species

<u>Maori Name</u>	<u>Common Name</u>	<u>Formal Name</u>
<u>Hapuka</u>	<u>Groper</u>	<u>Polypio oxygenios</u>
<u>Kaeo</u>	<u>Sea tulip</u>	<u>Pyrua pachydermatum</u>
<u>Kahawai</u>	<u>Sea trout</u>	<u>Arripus trutta</u>
<u>Kanae</u>	<u>Mullet</u>	<u>Mugil cephalus</u>
<u>Koeke</u>	<u>Common Shrimp</u>	<u>Palaemon affinis</u>
<u>Marari</u>	<u>Butterfish</u>	<u>Odax pullus</u>
<u>Moki</u>	<u>Blue moki</u>	<u>Latridopsis ciliaris</u>
<u>Paraki/Ngaiore</u>	<u>Common Smelt</u>	<u>Retropinna retropinna</u>
<u>Para</u>	<u>Frostfish</u>	<u>Lepidopus caudatus</u>
<u>Patiki mahoao</u>	<u>Black Flounder</u>	<u>Rhombosolea retiaria</u>
<u>Patiki rore</u>	<u>New Zealand sole</u>	<u>Peltorhamphus novaezeelandise</u>
<u>Pakiti tore</u>	<u>Lemon sole</u>	<u>Pelotretis flavilatus</u>
<u>Patiki totara</u>	<u>Yellow belly flounder</u>	<u>Rhombosolea leporina</u>
<u>Patiki</u>	<u>Sand flounder</u>	<u>Rhombosolea plebeia</u>
<u>Patukituki</u>	<u>Rock cod</u>	<u>Parapecis colias</u>
<u>Pioke</u>	<u>Rig shark</u>	<u>Galeorhinus galeus</u>
<u>Reperepe</u>	<u>Elephant fish</u>	<u>Callorhynchus milli</u>
<u>Tuna heke</u>	<u>Eel – long finned</u>	<u>Anguilla dieffenbachi</u>
<u>Tuna roa</u>	<u>Eel –short finned</u>	<u>Anguilla australis</u>
<u>Wheke</u>	<u>Octopus</u>	<u>Octopus maorum</u>
<u>Koiro, ngoiro, totoke, hao, ngoio, ngoingoi, putu</u>	<u>Conger Eel</u>	<u>Conger verreauxi</u>
<u>Koura</u>	<u>Crayfish</u>	<u>Jasus edwardsii</u>

<u>Kaunga</u>	<u>Hermit Crab</u>	<u>Pagurus novaeseelandiae</u>
<u>Papaka parupatu</u>	<u>Mud Crab</u>	<u>Helice sp.</u>
<u>Papaka</u>	<u>Paddlecrab</u>	<u>Ovalipes catharus</u>
<u>Kotere, humenga</u>	<u>Sea anemoe</u>	<u>Cnidaria group</u>
<u>Rore, rori</u>	<u>Sea cucumber / sea snail</u>	<u>Stichopus mollis</u>
<u>Patangatanga, patangaroa, pekapeka</u>	<u>Starfish</u>	<u>Echinoderms</u>
<u>SHELLFISH</u>		
<u>Kina</u>	<u>Sea urchin</u>	<u>Evechinus chloroticus</u>
<u>Kuku / Kutae</u>	<u>Green lipped mussel</u>	<u>Perna canaliculus/mytilus edulis</u>
<u>Kuku / Kutae</u>	<u>Blue lipped mussel</u>	<u>Perna canaliculus/mytilus edulis</u>
<u>Paua</u>	<u>Paua – black foot (Abalone)</u>	<u>Haliotis iris</u>
<u>Paua</u>	<u>Paua – yellow foot</u>	<u>Haliotis australis</u>
<u>Pipi /kakahiki</u>	<u>Pipi</u>	<u>Paphies austral</u>
<u>Pupu</u>	<u>Pupu</u>	<u>Turbo smaragdus/zediloma spp</u>
<u>Purimu</u>	<u>Surf clam</u>	<u>Dosinia anus et al.</u>
<u>Rori</u>	<u>Sea snail</u>	<u>Scutus breviculus</u>
<u>Tuangi</u>	<u>Cockle</u>	<u>Austrovenus stutchburgi</u>
<u>Tuatua</u>	<u>Tuatua</u>	<u>Paphies subtriangulata, paphies donacina</u>
<u>Waharoa</u>	<u>Horse mussel</u>	<u>Atrina zelandica</u>
<u>Waikaka</u>	<u>Mud snail</u>	<u>Amphibola crenata, Turbo smaragus, Zedilom spp.</u>
<u>Tio, Karauria, ngahiki, repe</u>	<u>Rock Oyster</u>	<u>Crassostrea glomerata</u>
<u>Tupa, kuakua, pure, tipa, tipai, kopa</u>	<u>Scallop</u>	<u>Pecten novazelandiae</u>

Schedule 5 – Cultural and Historic heritage

Schedule 5B – Sites of significance to Māori and associated values

This schedule identifies known sites with special cultural, spiritual, historical and traditional associations located within the CMA. The Taranaki Regional Council is committed to working with iwi o Taranaki to identify all culturally significant sites that are located within the CMA. Site locations are approximate only and are not intended to provide a definitive location or extent of a site.

Note: In addition to the values shown in the following table the values of kaitiakitanga and mouri also apply to all sites. All values are addressed through the policies within this Plan and will be further considered through consenting processes.

Ngāti Ruanui

The resources found within Te Moananui a Kupe since time immemorial, provided the people of Ngāti Ruanui with a constant supply of food resources. The hidden reefs provided koura, paua, kina, pupu, papaka, pipi, tuatua, and many other reef inhabitants. Hapuka, moki, kanae, mako, and patiki swim feely between the many reefs that can be found stretching out into the spiritual waters of Te Moananui a Kupe and along the Ngāti Ruanui coastline.

Names such as Rangatapu, Ohawe, Tokotoko, Waihi, Waukena, Tangaahoe, Manawapou, Taumaha, Manutahi, Pipiri, Kaikura, Whitikau, Kenepuru, Te Pou a Turi, Rangitaawhi and Whenuakura the whereabouts of either a fishing ground or a reef.

All along the shoreline from Rangatapu to Whenuakura food can be gathered depending on the tides, weather and time of year.

Tragedies of the sea are also linked to these reefs. Ngāti Ruanui oral history records the sinking off Tangahoe of a Chinese trade ship that had just been loaded with a cargo of flax. When the bodies were recovered and brought to shore none of them had any eyes. The people of Ngaati Hine believe that they did something wrong and in turn were punished by the taniwha named Toi, kaitiaki of the fishing reefs and grounds who is renown to this day to eat the eyes of his victims

Area	Commentary	Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
Te Moananui A O Ngati Ruanui (Coastal Area)	Information to follow				
Tangahoe River	<p>The Tangahoe River has been a major supply of food and water resources to its people both prior to and since the arrival of the Aotea Waka. The valley like the rest of the southern lands was a fertile paradise and because of the mild temperatures promoted lush vegetation that was checked only by the occasional equinoctial weather patterns. Birds such as the manunui, kereru, pukeko, tiwaiwaka, kahu, kakapo, kiwi, korimako, miromiro and the pipiwharau flourished in the berry filled trees, like the koromiko, kohia, hinau, pipiriri, mamaku, and Rewarewa at the side of the eel, and koura filled creeks. Fish such as the piharau, kokopu, tunaheke, patiki, and shellfish were abundant in the waters and on the reefs at the mouth of the river.</p> <p>A version of the origin of the name Tangahoe is because of an incident that occurred, whereby the steering oar was lost from a large deep sea fishing waka as it attempted to return to the tauranga waka and the comment made was made that "if there were two steering oars like that of the Aotea waka then its flight to its resting place would remain true"</p>	F1	Tangahoe River	Mahinga kai	Map Link Map 32
Pātea River	<p>The full name of the river is "Pātea nui a Turi". It was named by Turi on his arrival overland after leaving the Aotea Waka at Kawhia. Since the arrival the river has played an important part in the lifestyles of the Aotea people. Turi Ariki at Te Pou a Turi laid claim to the surrounding territory and the river which until then had been known as Te Awanui o Taikehu, as belonging to him and his descendants. Upon completing the respective rituals to protect the newly gained lands from unwanted entities he then proceeded to spiritually purify the rest of the area. The river was traversed and spiritual kaitiaki sown in every location that was to become significant to the Aotea people along the total length of the river. These rituals continued to the source of the river (named Whakapou Karakia) on the mountain. It was at this locality upon the mountain that the final karakia of protection was done to unite all the kaitiaki as one in protection of the waters and resources pertaining to the river hence:</p> <ul style="list-style-type: none"> • Whaka: to do • Pou: pillar of strength • Karakia: invocation. 	F2	Pātea River	Mahinga kai	Map Link Map 35

Area	Commentary	Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
Whenuakura River	<p>The name of this river originated during the time that Turi Arikini, Kaihau of the waka tipua Aotea and his wife Rongorongo Tapaairu, who lived with their families between the two rivers, Pātea nui a Turi and Whenuakura. Turi was the Ariki (Rangatira of the highest rank) of the Aotea waka.</p> <p>Like the Tangahoe River this river provided the people of the Aotea waka and later the people of Ngaati Hine and Ngaati Tupito with all the resources of life they required to survive.</p>	F3	Whenuakura River	Mahinga kai	Map Link Map 36
Waingongoro River	Information to follow				
Manawapou River	Information to follow				
Waihi Stream	Information to follow				
Katewheta Stream	Information to follow				
Waikaikai Stream	Information to follow				
Mangaroa Stream	Information to follow				

Area	Commentary	Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
<u>Kaikura Stream</u>	<u>Information to follow</u>				
<u>Whitika</u>	<u>Information to follow</u>				
<u>Tangahoe-Hawera-Manutahi Reef</u>	<u>Information to follow</u>				

DEED OF SETTLEMENT: CULTURAL REDRESS SCHEDULE

PART 1: PROTOCOLS: FISHERIES PROTOCOL

ATTACHMENT C

(Fisheries Protocol clause 5.1)

TAONGA FISH SPECIES (MINISTRY OF FISHERIES)

Fish Species

Maori Name	Common Name	Formal Name
Hapuka	Groper	<i>Polypion oxygenios</i>
Kaero	Sea tulip	<i>Pyura pachydermatum</i>
Kahawai	Sea trout	<i>Arripus trutta</i>
Kanae	Mullet	<i>Mugil cephalus</i>
Koeke	Common shrimp	<i>Palaemon affinis</i>
Marari	Butterfish	<i>Odax pullus</i>
Moki	Blue moki	<i>Latridopsis ciliaris</i>
Paraki/Ngaiorre	Common smelt	<i>Retropinna retropinna</i>
Para	Frostfish	<i>Lepidopus caudatus</i>
Patiki mohoao	Black flounder	<i>Rhombosolea retiaria</i>
Patiki rore	New Zealand sole	<i>Peltorhamphus novaezeelandiae</i>
Patiki tore	Lemon sole	<i>Pelotretis flavilatus</i>
Patiki totara	Yellowbelly	<i>Rhombosolea leporina</i>
Patiki	Sand flounder	<i>Rhombosolea plebeia</i>
Patukituki	Rock Cod	<i>Parapercis colias</i>
Pioke	School shark/rig	<i>Galeorhinus galeus</i>
Reperepe	Elephant fish	<i>Callorhynchus millii</i>
Tuna heke	Eel – long finned	<i>Anguilla dieffenbachii</i>
Tuna roa	Eel – short finned	<i>Anguilla australis</i>
Wheke	Octopus	<i>Octopus maorum</i>
Koiro, ngoiro, totoke, hao, ngoio, ngoingoi, putu	Conger eel	<i>Conger verreauxi</i>
Koura	Rock lobster/Crayfish	<i>Jasus edwardsii</i>
Kaunga	Hermit crab	<i>Pagurus novaeseelandiae</i>
Papaka parupatu	Mud crab	<i>Helice sp.</i>
Papaka	Paddlecrab	<i>Ovalipes catharus</i>
Kotore, humenga	Sea anemone	<i>Cnidaria group</i>

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DEED OF SETTLEMENT: CULTURAL REDRESS SCHEDULE

PART 1: PROTOCOLS: FISHERIES PROTOCOL

Rore, rori	Sea cucumber	<i>Stichopus mollis</i>
Patangatanga, patangaroa, pekapeka	Starfish	<i>Echinoderms</i>

DEED OF SETTLEMENT: CULTURAL REDRESS SCHEDULE

PART 1: PROTOCOLS: FISHERIES PROTOCOL

Shellfish

Maori Name	Common Name	Formal Name
Kina	Sea urchin/kina	<i>Evechinus chloroticus</i>
Kutae/Kuku	Green lipped mussel	<i>Perna canaliculus/mytilus edulis</i>
Kutae/Kuku	Blue mussel	<i>Perna canaliculus/mytilus edulis</i>
Paua	Paua – black foot (Abalone)	<i>Haliotis iris</i>
Hihiwa	Paua – yellow foot	<i>Haliotis australis</i>
Pipi/kakahi	Pipi	<i>Paphies australe</i>
Pupu	Pupu	<i>Turbo smaragdus/ zediloma spp</i>
Purimu	Surfclam	<i>Dosinia anus, Paphies donacina, Mactra discor, Mactra murchsoni, Spisula aequilateralis, Basina yatei, or Dosinia subrosa</i>
Rori	Seasnail	<i>Scutus breviculus</i>
Tuangi	Cockle	<i>Austrovenus stutchburgi</i>
Tuatua	Tuatua	<i>Paphies subtriangulata, Paphies donacina</i>
Waharoa	Horse mussel	<i>Atrina zelandica</i>
Waikaka	Mudsnail	<i>Amphibola crenata, Turbo smaragdus, Zedilom spp.</i>
Karauria, ngakihi, tio, repe	Rock oyster	<i>Crassostrea glomerata</i>
Kuakua, pure, tipa, tipai, kopa	Scallop	<i>Pecten novaezelandiae</i>

MED PROTOCOL

(Clause 9.1.8)

**STATUTORY ACKNOWLEDGEMENT FOR TE MOANANUI
A KUPE O NGAATI RUANUI (COASTAL AREA)**

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PART 10: STATUTORY ACKNOWLEDGEMENTS: TE MOANANUI
A KUPE O NGAATI RUANUI (COASTAL AREA)

1. **STATUTORY AREA**

- 1.1 The area to which this Statutory Acknowledgement applies is the area known as Te Moananui A Kupe O Ngaati Ruanui (Coastal Area) as shown on SO Plan 14739.

2. **PREAMBLE**

- 2.1 Under section [] of the Ngaati Ruanui Claims Settlement Act [] (the "**Settlement Act**") (**clause 9.3.18(c)** of the Deed of Settlement), the Crown acknowledges Ngaati Ruanui's statement of Ngaati Ruanui's cultural, spiritual, historic and traditional association with Te Moananui A Kupe O Ngaati Ruanui (Coastal Area) as set out in **clause 3**.

3. **CULTURAL, SPIRITUAL, HISTORIC AND TRADITIONAL ASSOCIATION OF NGAATI RUANUI WITH TE MOANANUI A KUPE O NGAATI RUANUI**

The resources found within Te Moananui A Kupe have, since time immemorial, provided the people of Ngaati Ruanui with a constant supply of food resources. The hidden reefs provided koura, paua, kina, pupu, papaka, pipi, tuatua and many other species of reef inhabitants. Hapuka, moki, kanae, mako and patiki swim freely between the many reefs that can be found stretching out into the spiritual waters of Te Moananui A Kupe and along the Ngaati Ruanui coastline.

Names such as Rangatapu, Ohawe Tokotoko, Waihi, Waukena, Tangaahoe, Manawapou, Taumaha, Manutahi, Pipiri, Kaikura, Whitikau, Kenepuru, Te Pou a Turi, Rangitawhi, and Whenuakura depict the whereabouts of either a fishing ground or fishing reef.

All along the shoreline from Rangatapu to Whenuakura food can be gathered depending on the tides, weather and time of year.

Tragedies of the sea are also linked to these reefs. Ngaati Ruanui oral history records the sinking off Tangaahoe of a Chinese trade ship that had just been loaded with a cargo of flax. When the bodies were recovered and brought to shore, none of them had any eyes.

The people of Ngaati Hine believe that they did something wrong and in turn were punished by the Ngaati Ruanui taniwha named Toi, kaitiaki (guardian) of the fishing reefs and grounds, who is renown to this day to eat the eyes of his victims.

4. **PURPOSES OF STATUTORY ACKNOWLEDGEMENT**

- 4.1 Under section [] of the Settlement Act (**clause 9.3.19** of the Deed of Settlement), and without limiting **clauses 5** and **6**, the only purposes of this Statutory Acknowledgement are:

4.1.1 to require that Consent Authorities forward summaries of Resource Consent applications to the Governance Entity as provided in section [] of the Settlement Act (**clause 9.3.24** of the Deed of Settlement);

4.1.2 to require that Consent Authorities, the New Zealand Historic Places Trust or the Environment Court as the case may be, have regard to this Statutory Acknowledgement in relation to Te Moananui A Kupe O Ngaati Ruanui, as provided

DEED OF SETTLEMENT: CULTURAL REDRESS SCHEDULE

**PART 10: STATUTORY ACKNOWLEDGEMENTS: TE MOANANUI
A KUPE O NGAATI RUANUI (COASTAL AREA)**

in section [] of the Settlement Act (clauses 9.3.20 to 9.3.22 of the Deed of Settlement); and

- 4.1.3 to enable the Governance Entity, and any Member of Ngaati Ruanui, to cite this Statutory Acknowledgement as evidence of the association of Ngaati Ruanui with Te Moananui A Kupe O Ngaati Ruanui as provided in section [] of the Settlement Act (clause 9.3.27 of the Deed of Settlement).

5. LIMITATIONS ON EFFECT OF STATUTORY ACKNOWLEDGEMENT

- 5.1 Except as expressly provided in sections [] and [] of the Settlement Act (clauses 9.3.19 to 9.3.22, 9.3.27, 9.3.29 and 9.3.31 of the Deed of Settlement):

5.1.1 this Statutory Acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person under any statute, regulation, or bylaw; and

5.1.2 without limiting clause 5.1.1, no person, in considering any matter or making any decision or recommendation under the relevant statute, regulation, or bylaw, may give any greater or lesser weight to Ngaati Ruanui's association with Te Moananui A Kupe O Ngaati Ruanui than that person would give under the relevant statute, regulation, or bylaw, if this Statutory Acknowledgement did not exist in respect of Te Moananui A Kupe O Ngaati Ruanui.

- 5.2 Except as expressly provided in the Settlement Act, this Statutory Acknowledgement does not affect the lawful rights or interests of any person who is not a party to the Deed of Settlement.

- 5.3 Except as expressly provided in the Settlement Act, this Statutory Acknowledgement does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Te Moananui A Kupe O Ngaati Ruanui.

6. NO LIMITATION ON CROWN

- 6.1 The existence of this Statutory Acknowledgement does not preclude the Crown from providing a statutory acknowledgement in respect of Te Moananui A Kupe O Ngaati Ruanui to a party or parties other than Ngaati Ruanui or the Governance Entity.

**STATUTORY ACKNOWLEDGEMENT FOR THE
TANGAHOE RIVER**

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Taranaki Land District
Territorial authority :
Taranaki Region



Te Moananui A Kupe O Ngāti Ruanui (Coastal Area)

Areas referred to in the Deed of Settlement between
Ngāti Ruanui and the Crown

Approved as to boundaries :

[Signature] 28/2/2001
for Ngāti Ruanui

[Signature] 28/2/2001
for and on behalf of The Crown

SO 14739