



Silver Fern Farms Management Limited

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Taranaki Regional Council
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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.



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.

Your name

Richard J Guy

Organisation (if applicable)

South Taranaki Underwater Club

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Hawera 4610

Daytime phone number

027 4498202

Email 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?

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

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.

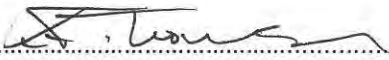
Spark New Zealand Trading Limited welcomes the opportunity to make a submission on the Proposed Coastal Plan for Taranaki. In general, Spark New Zealand Trading Limited is supportive of the Proposed Plan. However there are some matters for which amendment is sought to prior to Proposed Plan being made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

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Contact Details:

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Incite

Attention: Tom Anderson
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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.

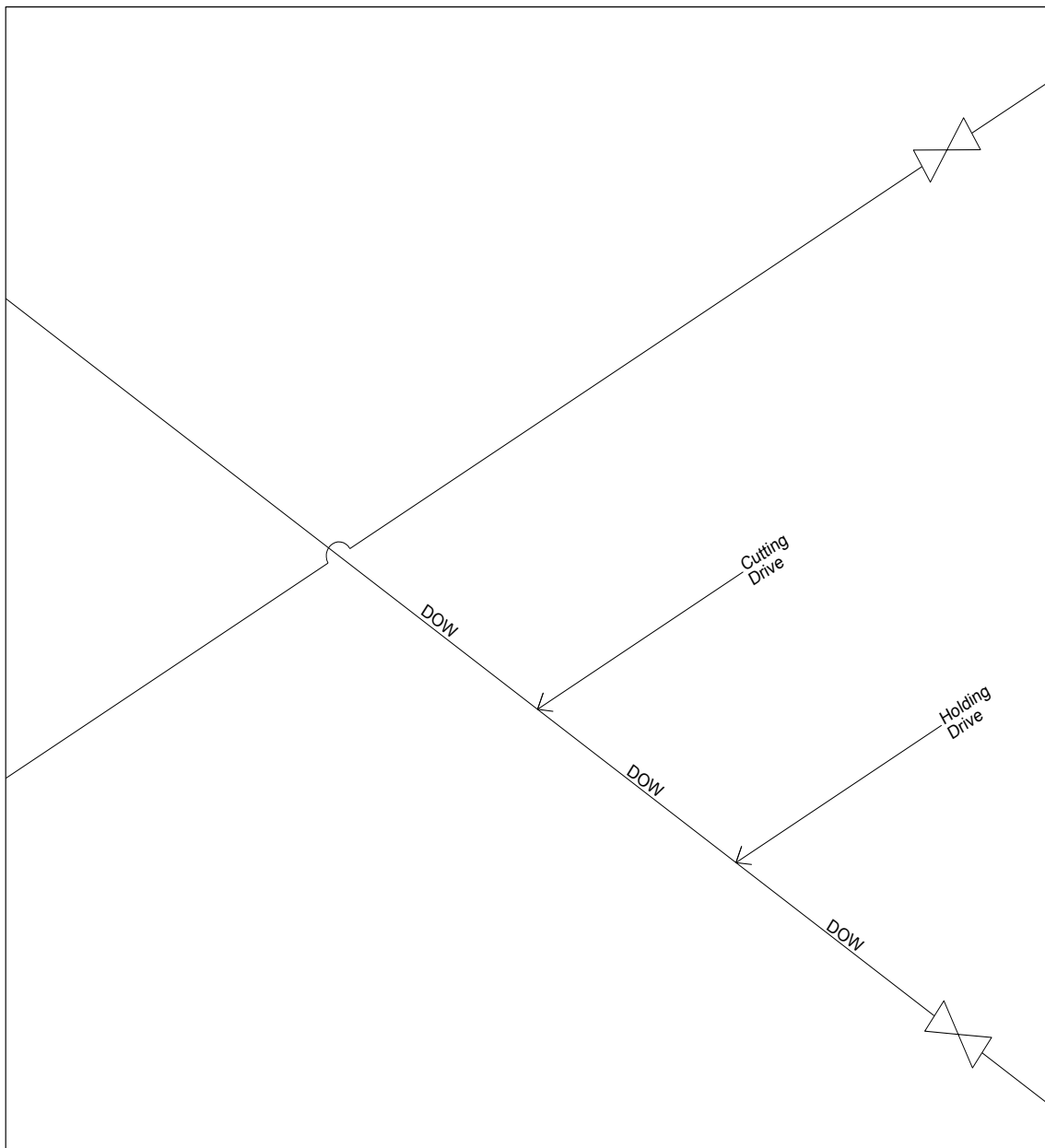
2.6 Repeaters

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.

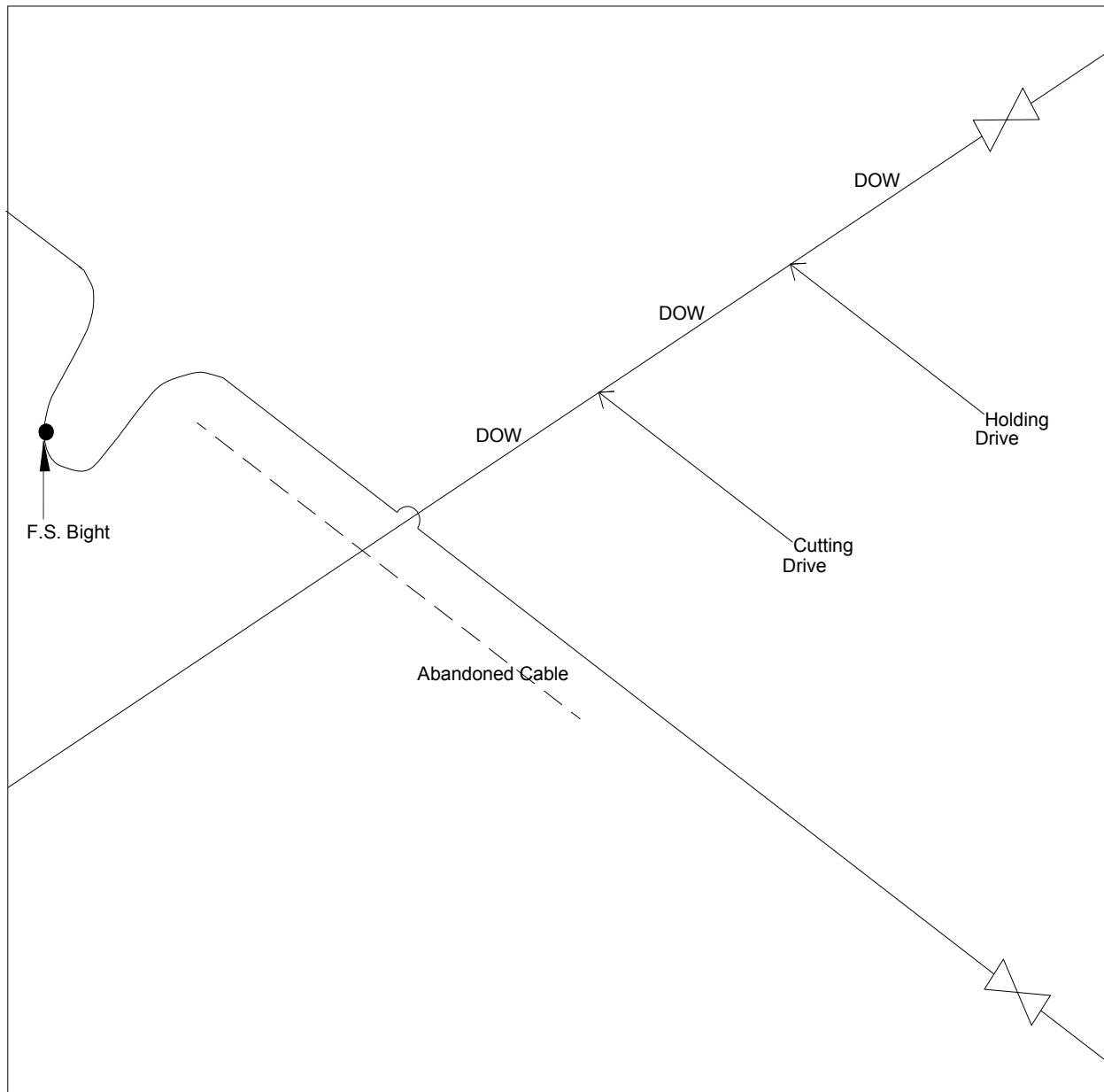
However, with the use of modern navigational equipment and lay/repair practices, these distances could be reduced to 2 times depth of water providing that two such crossings do not exist on either side of the repeater.

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

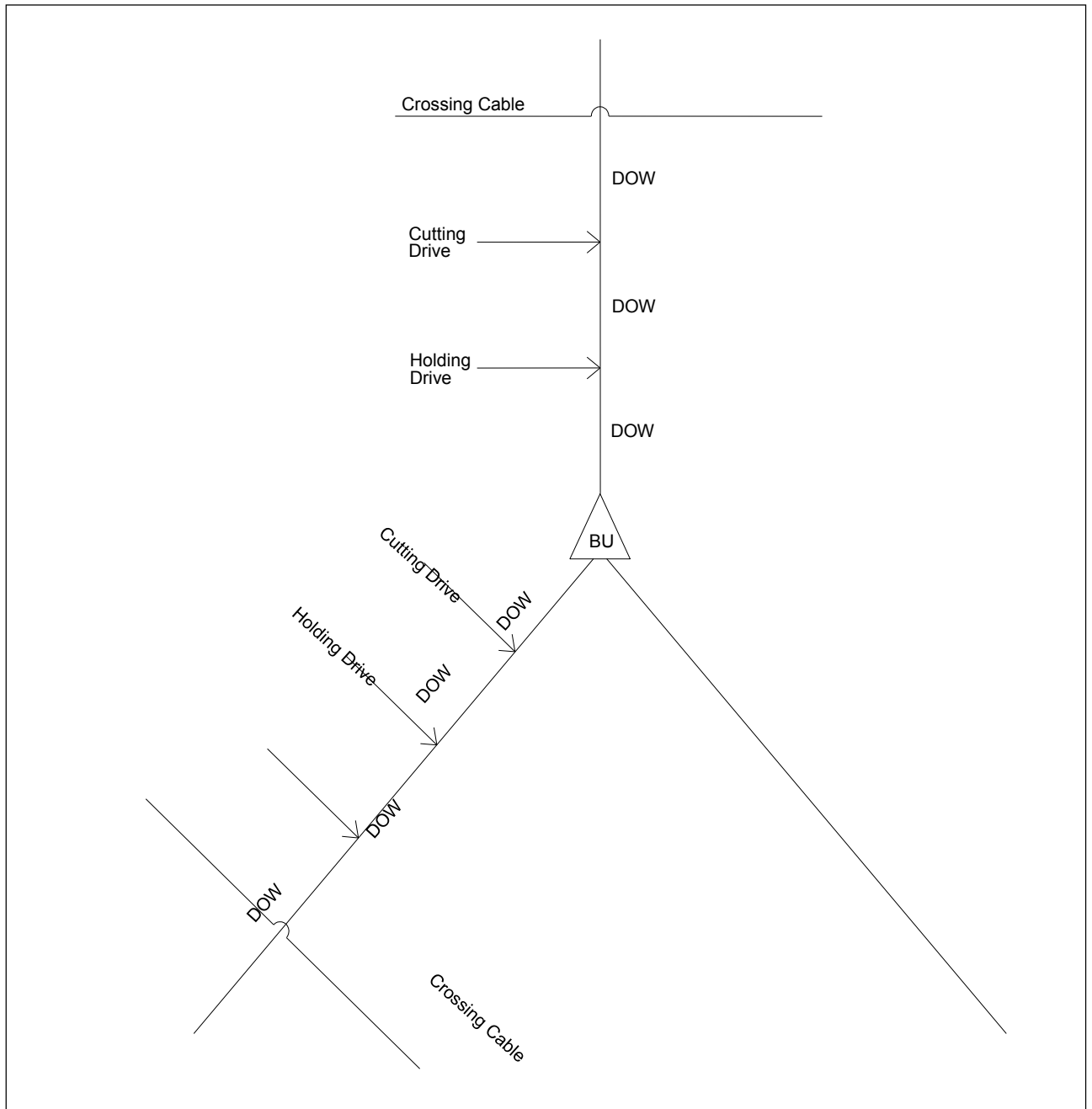
It should be noted that when repairs are carried out close to cable crossings, the planning process should ensure that the final splice is deployed well away from the crossing point and preferably in a direction away from the adjacent repeater, so that it least compromises future repairs in the same 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

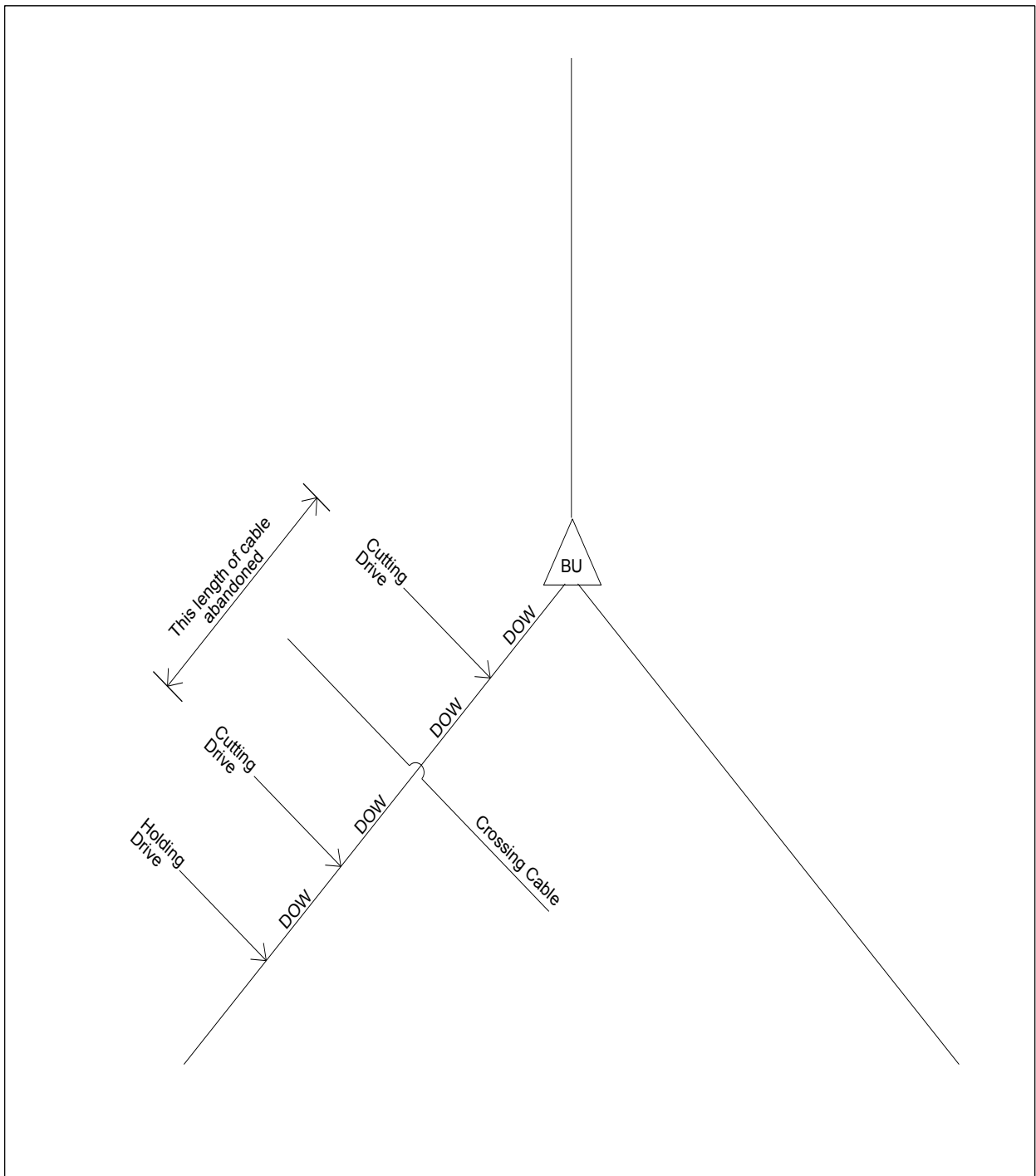
As with repeaters, a clearance of at least 3 times depth of water should be allowed along the main trunk of a branching unit to allow it to be recovered without endangering the crossing cable. The applicable depth of water being the crossing point or the branching unit, whichever is the greater. On the 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 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

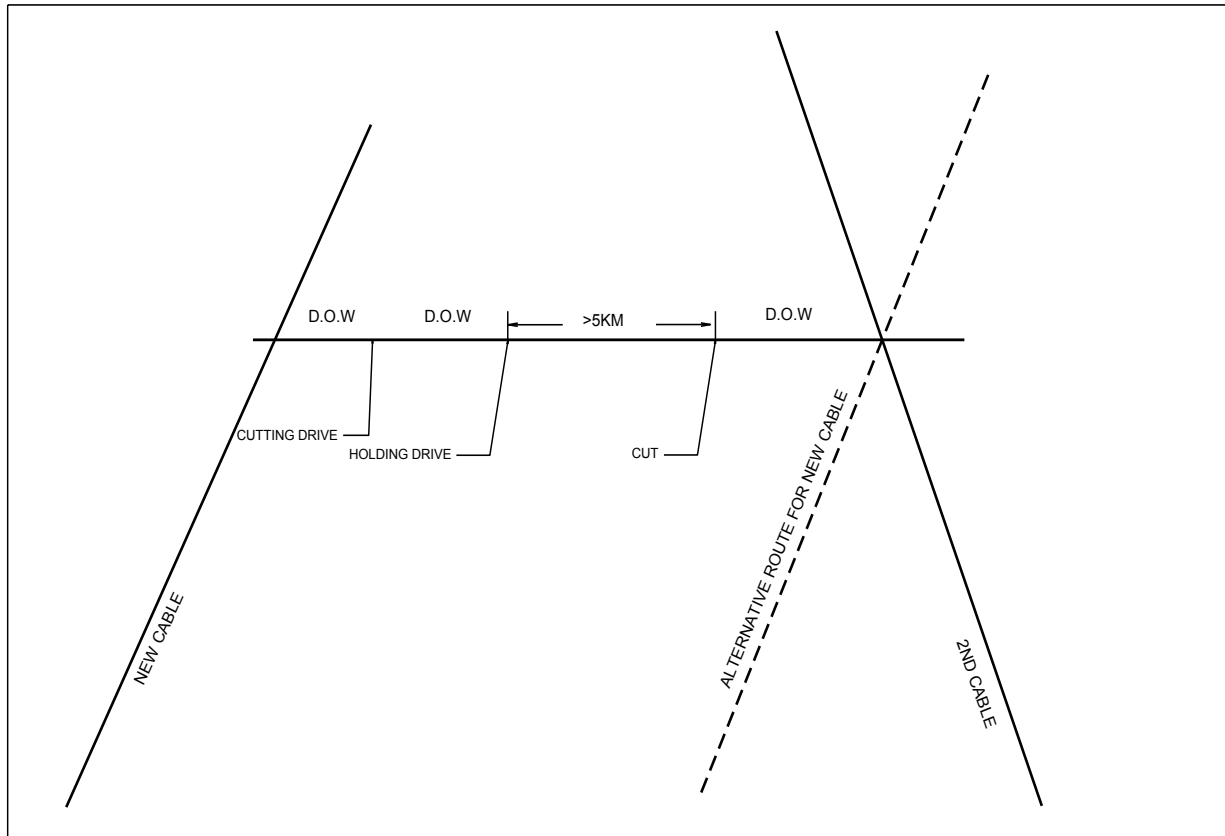
In deep water, crossings should be planned so that they are well away from existing cable crossings. However, where it is not possible to provide a sufficiently large separation, then it may be preferable to install the new cable over the existing crossing.

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: *(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

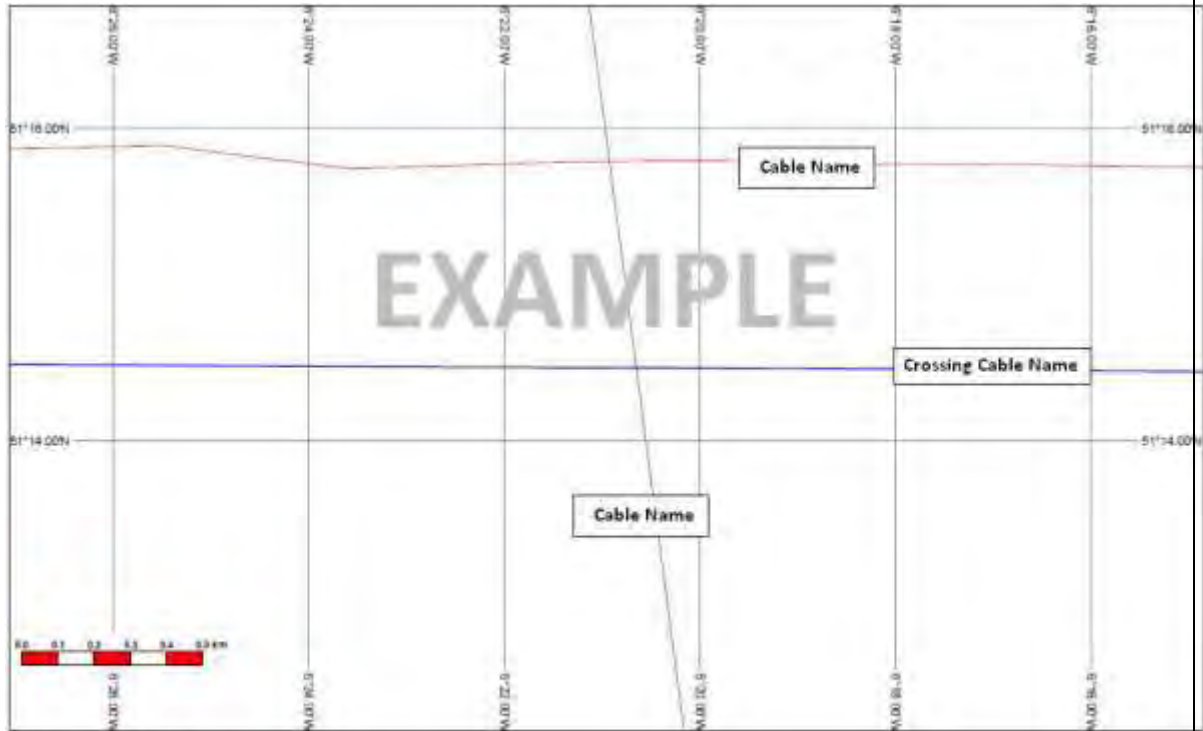
vi) Positions of any submarine plant within 3 x depth of water on both sides of the proposed crossing point.

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



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

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

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



FILE:2018-6/TRC COASTAL PLAN

Public Health Unit
Taranaki District Health Board
Private Bag 2016
New Plymouth 4342
New Zealand
Telephone 06 753 7798
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healthprotection@tdhb.org.nz
Website www.tdhub.org.nz

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

Contact person: Annabel Burley

Email: health.protection@tdhb.org.nz

Telephone: 06 758 7798 ext 8648

Postal address:

Public Health Unit,
Taranaki District Health Board
Private Bag 2016,
New Plymouth 4342

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>	
The recommendation/decision sought is to retain these provisions.	

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>	
The recommendation/decision sought is to retain this provision.	

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”

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>

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



Basil Chamberlain
Chief Executive
Taranaki Regional Council
Private Bag 713
STRATFORD 4352
By email: info@trc.govt.nz

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)	'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;	Using the word 'adverse' will make it consistent with the RMA and other wording in the Plan.
16.	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.	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</u> <i>'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'.</i>	As above.
28.	Add clause	<u>Add</u> <i>'16(l) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters and fisheries in the coastal environment through such measures as:</i> <i>I. Bringing cultural understanding to monitoring of natural resources</i> <i>II. Providing appropriate methods for the management, maintenance and protecting of the taonga of tangata whenua</i> <i>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'.</i>	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.

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	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.
Ports wharves or breakwaters and attached structures, maintenance, repair or alteration					
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.
Ports launching mooring or berthing structure repair, alteration or extension					
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.
Structure removal or demolition					
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><u>Add</u> 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><u>Add</u> 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,
Sam.Tamarapa@trc.govt.nz

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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e: sera@teatiawa.iwi.nz

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

Hemi Sundgren
Pouwhakahaere
Te Kotahitanga o Te Atiawa Trust
PO Box 1097
Taranaki Mail Centre
New Plymouth

Wharehoka Wano
Tumuwhakarito / General Manager
Te Kāhui o Taranaki Trust
PO Box 929
Taranaki Mail Centre
New Plymouth

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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www.facebook.com/TaranakiRegionalCouncil | twitter.com/TaranakiRC
Please quote our document number in your reply.

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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.

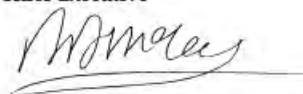
In the meantime the Council wishes to continue positively engaging with Te Kotahitanga o Te Atiawa Trust and Te Kāhui o Taranaki Trust using our existing arrangements for the Coastal Plan.

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.

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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

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- 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



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

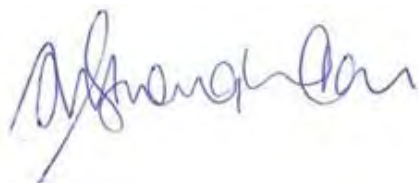
		minimizing adverse effects on the environment as opposed to first avoiding, then remedying effects.	before mitigation. Emphasize protection of biodiversity from adverse environmental effects.
Methods			
36	Method 19: advice and funding	While landowners are mentioned, mana whenua are absent.	Include mana 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 Kiitahi	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 Kiitahi 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

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



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



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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 Polices 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: <i>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></i>	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: ... <u>and consider providing practical assistance to iwi or hāpu who have indicated a wish to develop iwi/hāpu resource management plans</u></p> <p>Ask that the following sections are added to this policy:</p> <p>(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></p> <p>(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></p> <ol style="list-style-type: none"> I. <u>Bringing cultural understanding to monitoring of natural resources</u> II. <u>Providing appropriate methods for the management, maintenance and protecting of the Taonga of tangata whenua</u> 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> 	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.

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.
	(c) <i>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.
	(e) Drilling is undertaken at least 2,000 - from the line of mean high water springs ...	(f) Drilling is undertaken at least 2,000 m - <u>6,000 m</u> from the line of mean high water springs ...	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: <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> 	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: (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: (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 whakatauaiki “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/Urupā	Wairuatanga Historic site	Link Map -
			B2	Q18/8	Ruataki Pā/Urupā/Garden		Link Map -
			B3	Q18/9	Pa/Urupā		Link Map -
			B4	Q19/31	Pā/Urupā		Link Map -
			B5	Q19/33 Q19/9	Arapāwa Pā/Urupā - 1		Link Map -
			B6		Arapāwa Pā/Urupā - 2		Link Map -
			B7	Q19/327	Arapāwa Pā/Urupā - 3		Link Map -
			B11	Q19/3	Whakaahu Pā/Urupā		Link Map -
			B12	Q19/26	Pā/Urupā		Link Map -
			B13	Q19/4 Q19/13 Q19/321 Q19/322	Pukekohe Pā/Urupā		Link Map -
			B14	Q19/312 Q19/315	Pukekohe Pā/Urupā/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
	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	<p>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.</p> <p>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.</p>	B28		Papatiki Tauranga Waka	Wairuatanga Access	Link Map -
			B29		Wai-iti Tauranga Waka		Link Map -
Ngāti Mutun:	Waiau stream	<p>The importance of this stream is that it marks the southwestern boundary of the Ngāti Mutunga rohe with Te Atiawa.</p>					

Ngāti Mutunga Map

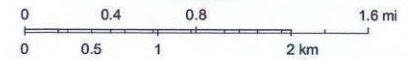


Additional Sites to be added for Schedule 5B for Ngāti Mutunga

Legend:

- Mahinga Kai 
- Hī ika/Reefs 
- Fishing Ledges 

1:32,000



Taranaki Regional Council




Ngāti Mutunga
Taranaki Regional Council | NPDC |

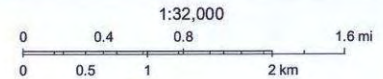
Ngāti Mutunga Map



Additional Sites to be added for Schedule 5B for Ngāti Mutunga

Legend:

- Mahinga Kai 
- Hī ika/Reefs 
- Fishing Ledges 



Taranaki Regional Council

Ngāti Mutunga
Taranaki Regional Council | NPDC



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

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

27 April 2018

Keeping the energy flowing



TRANSPOWER



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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 ~~N~~national 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

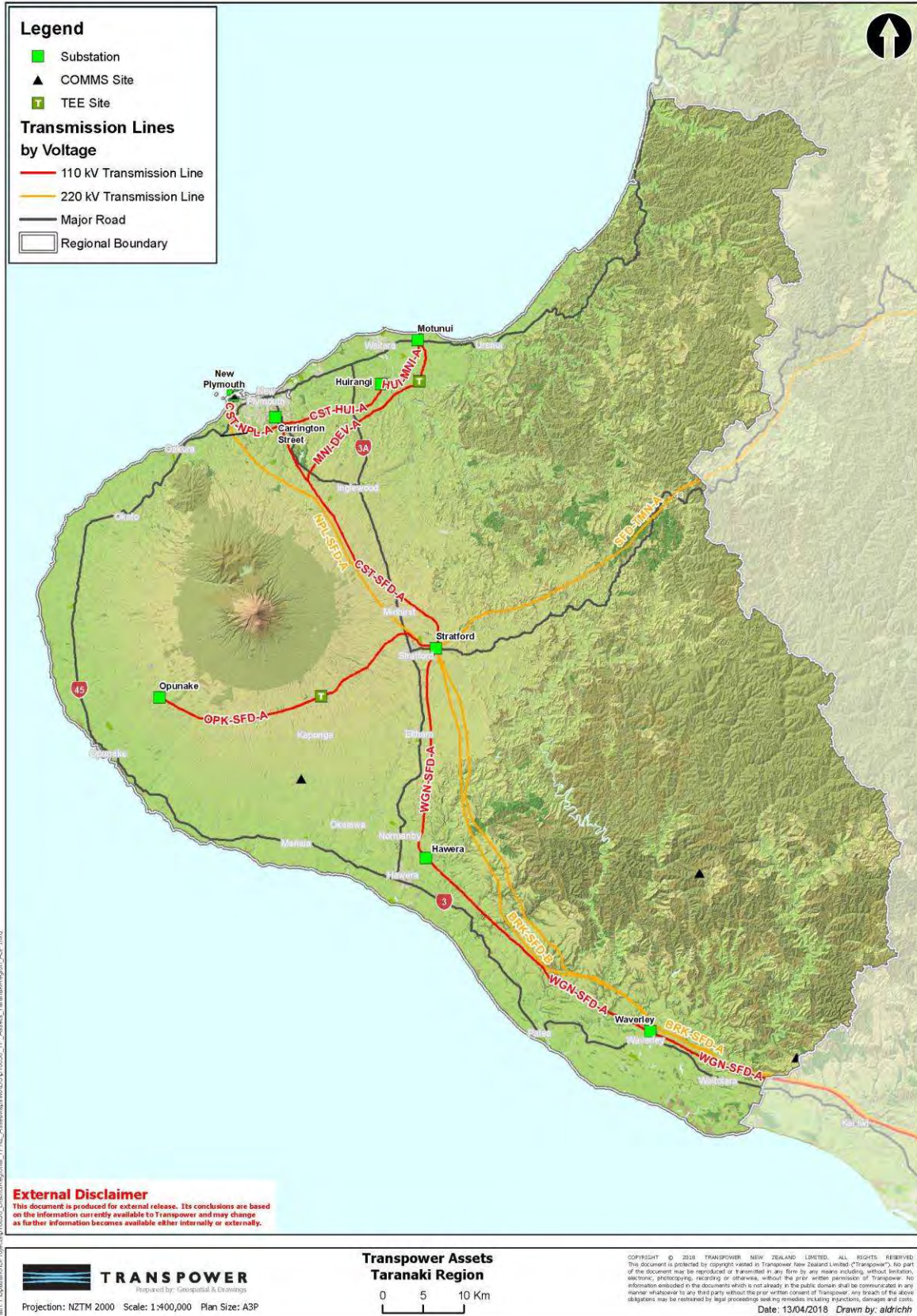
Transpower does not oppose the Outstanding Value Coastal Management Area identified in Map 44. However, it is unclear why the Outstanding Value area landward of the Indicative CMA boundary line is not aligned with the Indicative CMA boundary line. Transpower would support amendment to the map to provide 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.

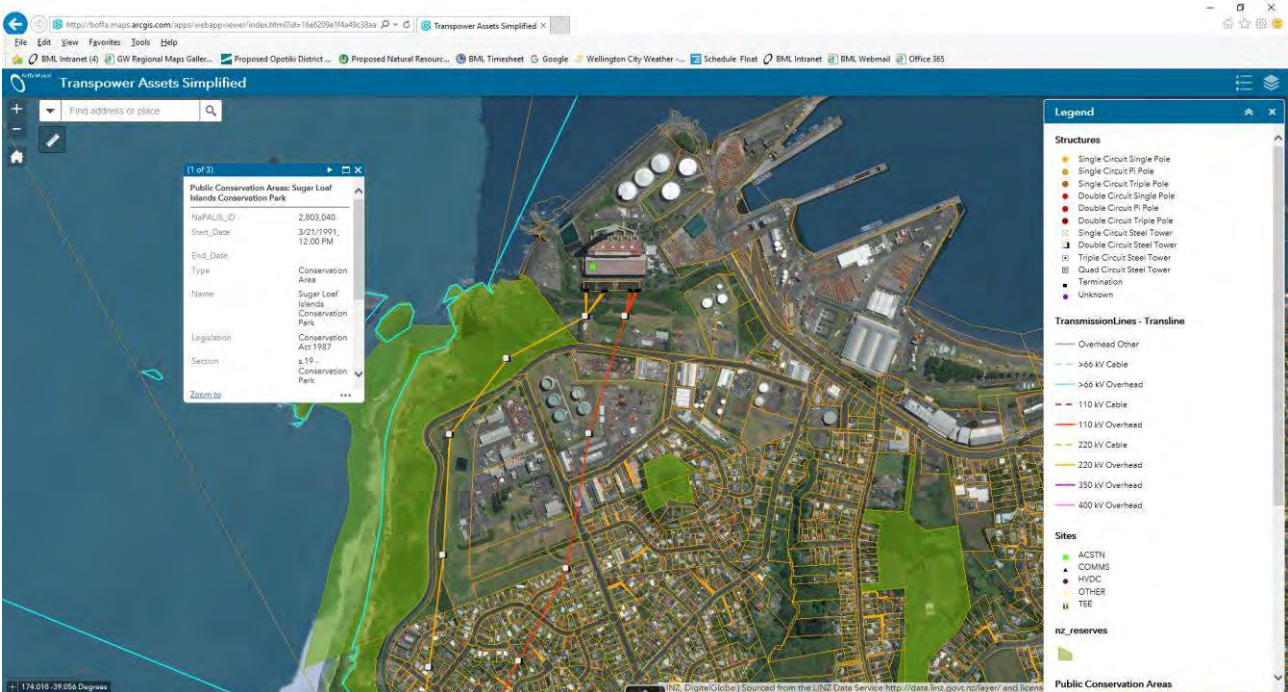
Relief Sought

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.

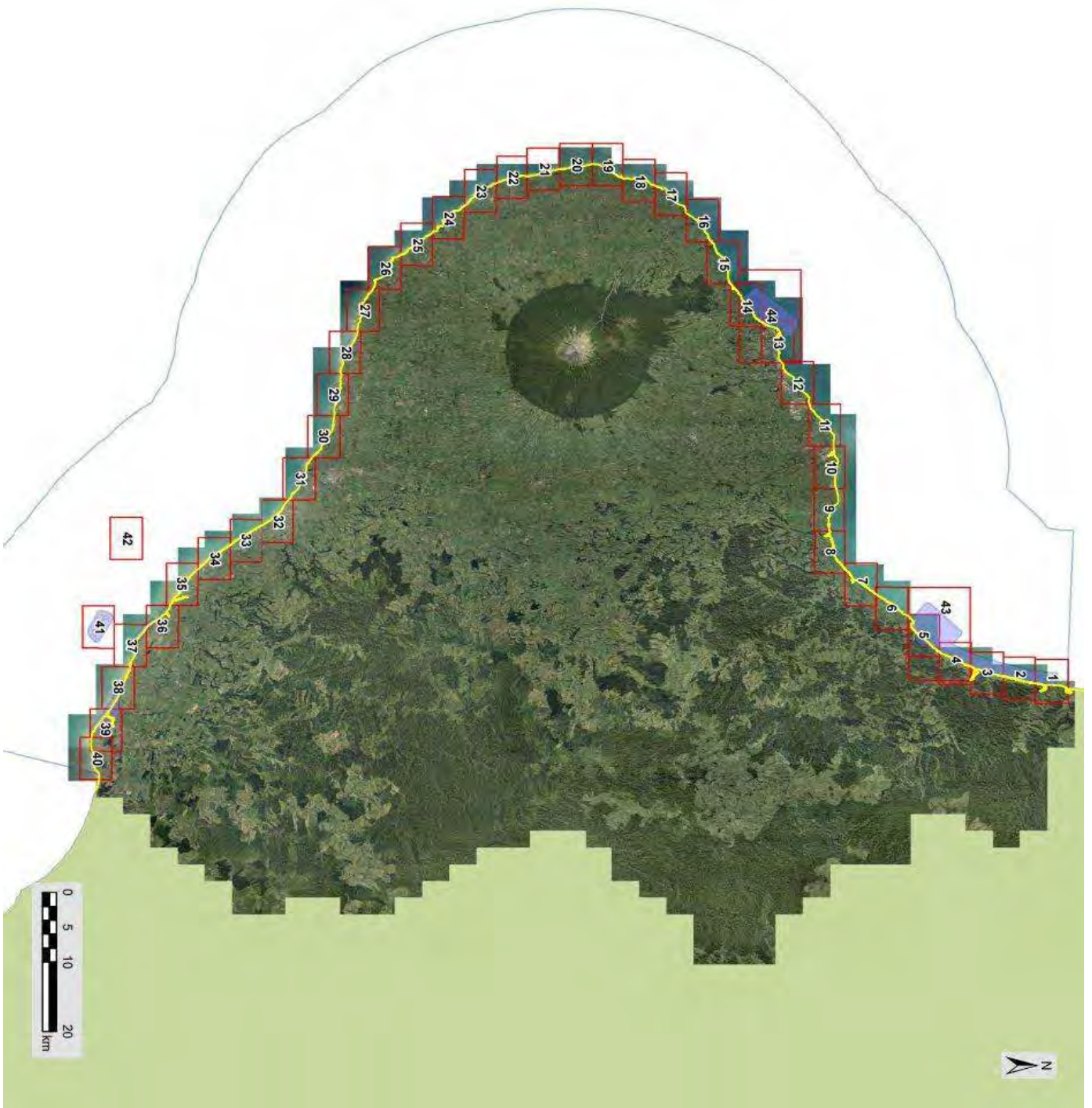
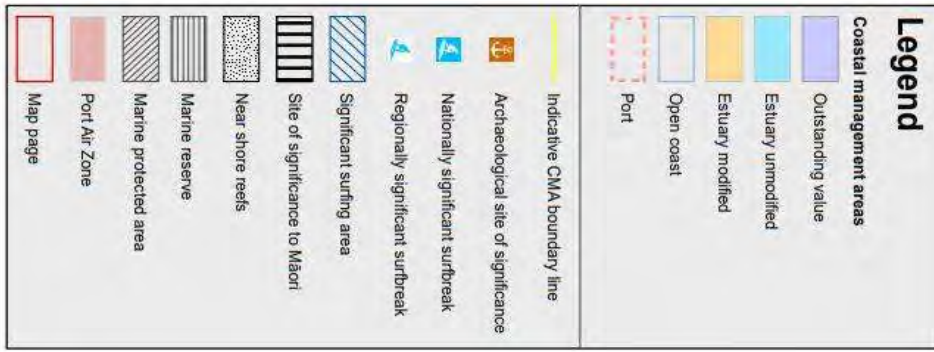
Explanatory note

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



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**

Address for service of submitter:

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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.

Your name

Cam Twigley

Organisation (if applicable)**Address**

128 Alfred Road, RD 1, New Plymouth

Daytime phone number

0274544886

Email address

cam.twigley@btw.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

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

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:

Vodafone 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.

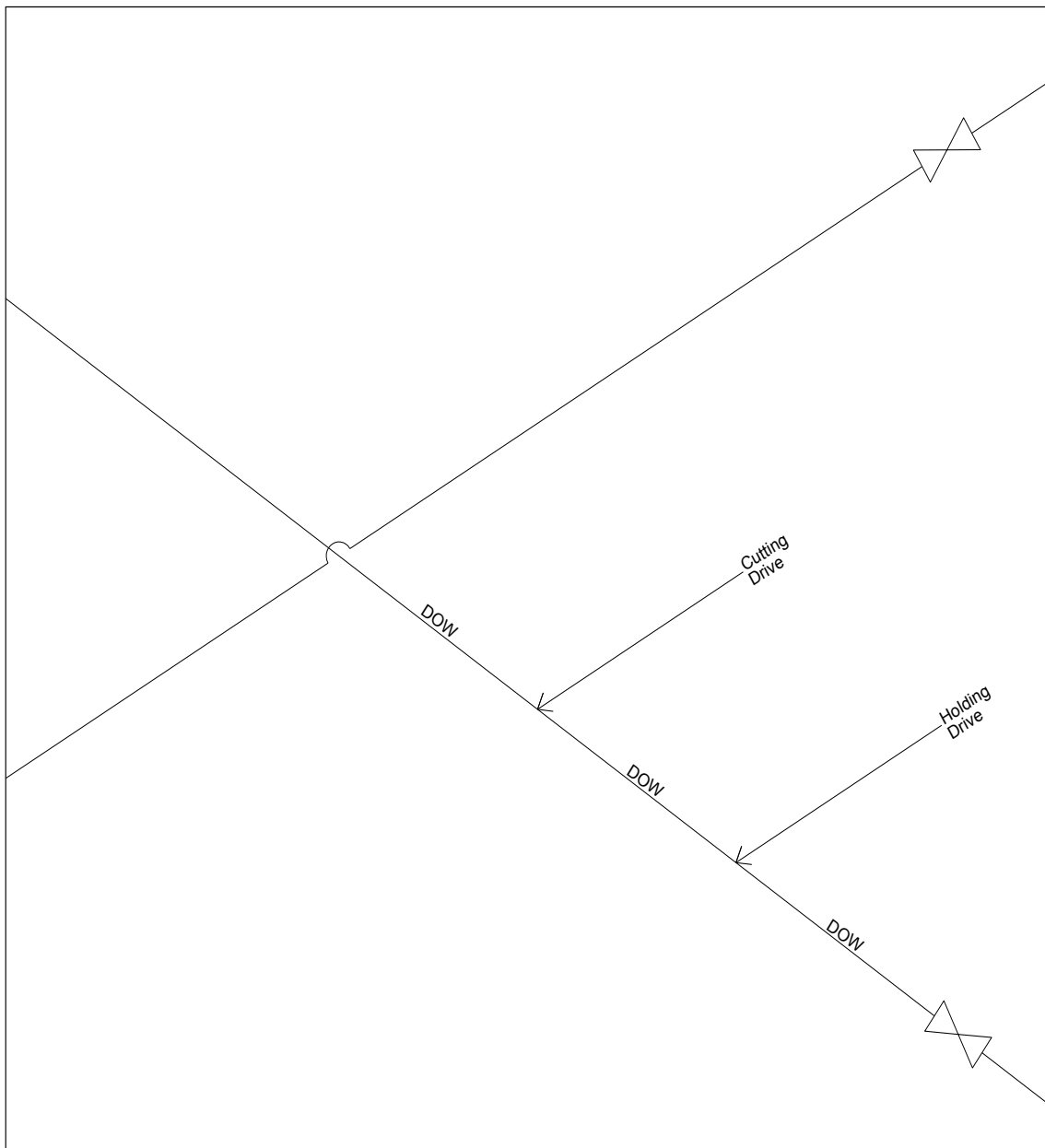
2.6 Repeaters

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.

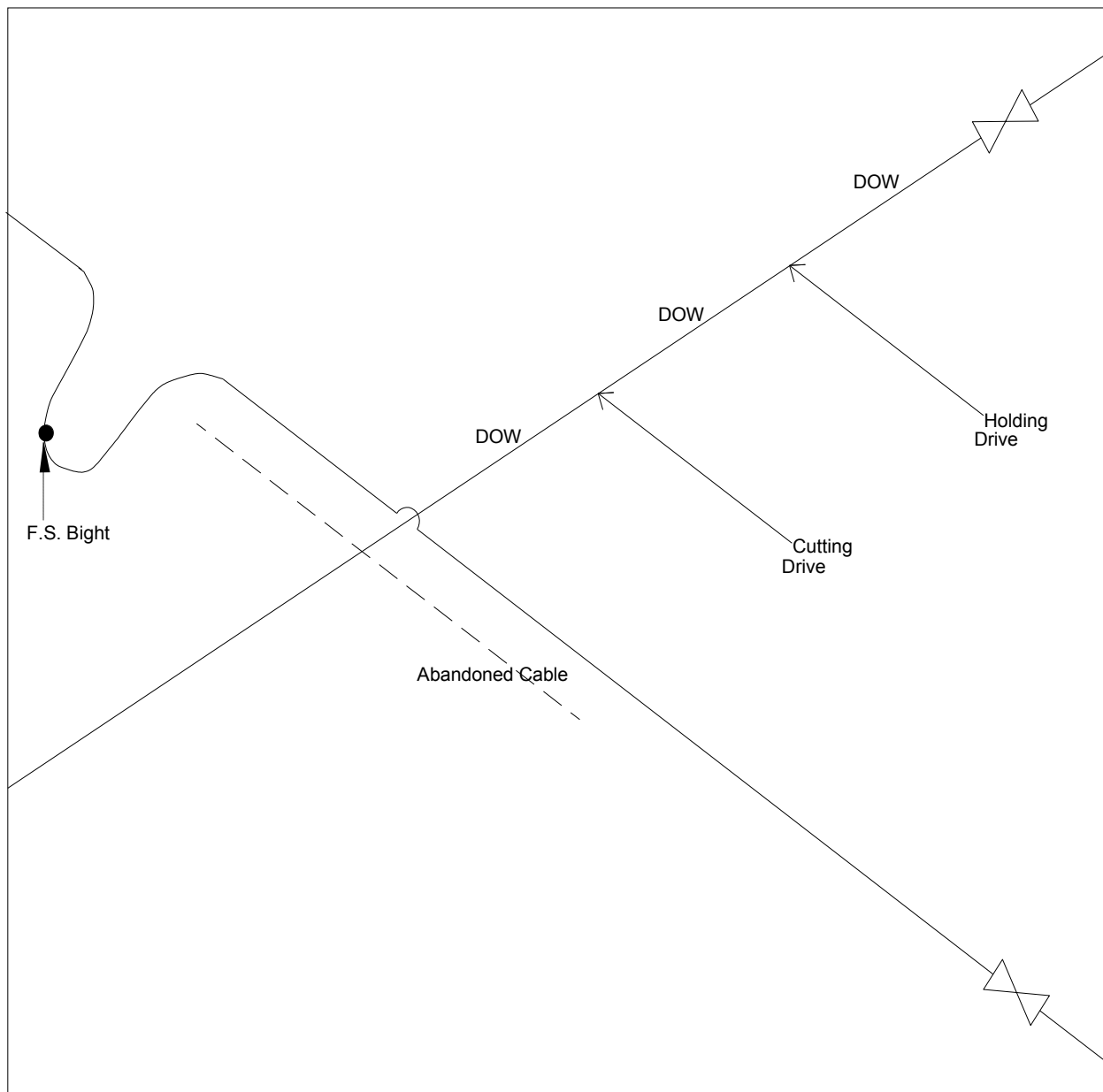
However, with the use of modern navigational equipment and lay/repair practices, these distances could be reduced to 2 times depth of water providing that two such crossings do not exist on either side of the repeater.

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

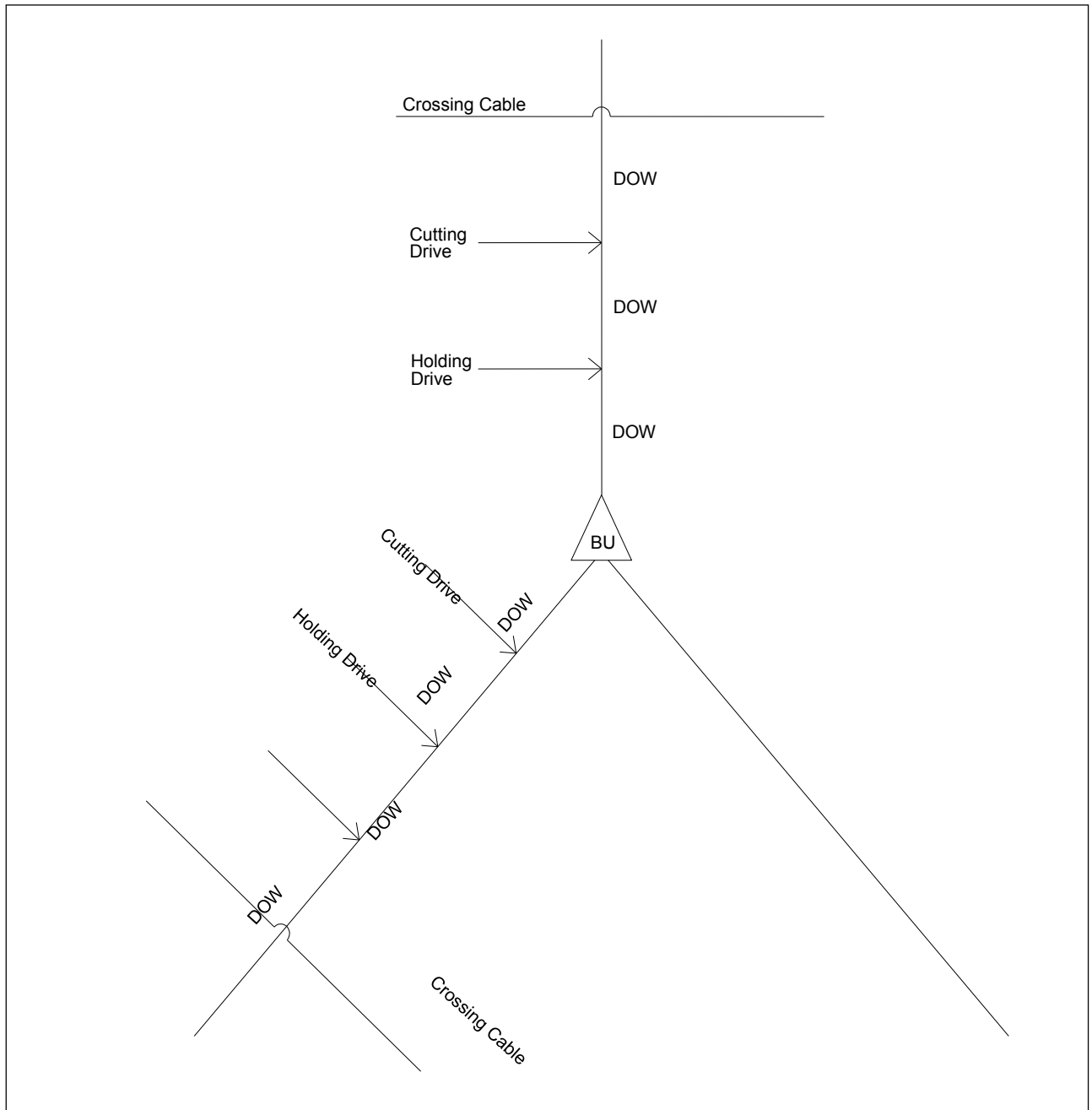
It should be noted that when repairs are carried out close to cable crossings, the planning process should ensure that the final splice is deployed well away from the crossing point and preferably in a direction away from the adjacent repeater, so that it least compromises future repairs in the same 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

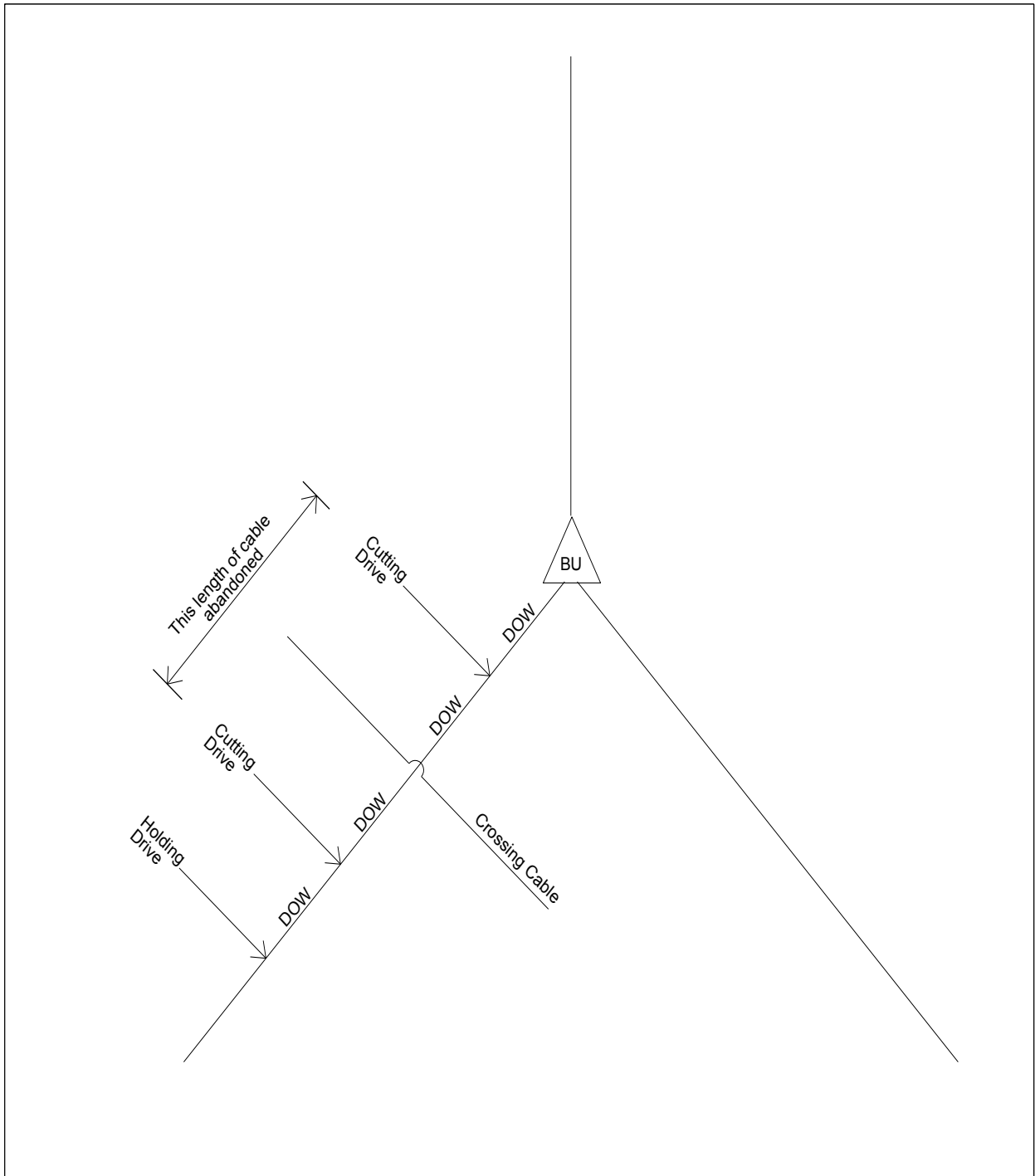
As with repeaters, a clearance of at least 3 times depth of water should be allowed along the main trunk of a branching unit to allow it to be recovered without endangering the crossing cable. The applicable depth of water being the crossing point or the branching unit, whichever is the greater. On the 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

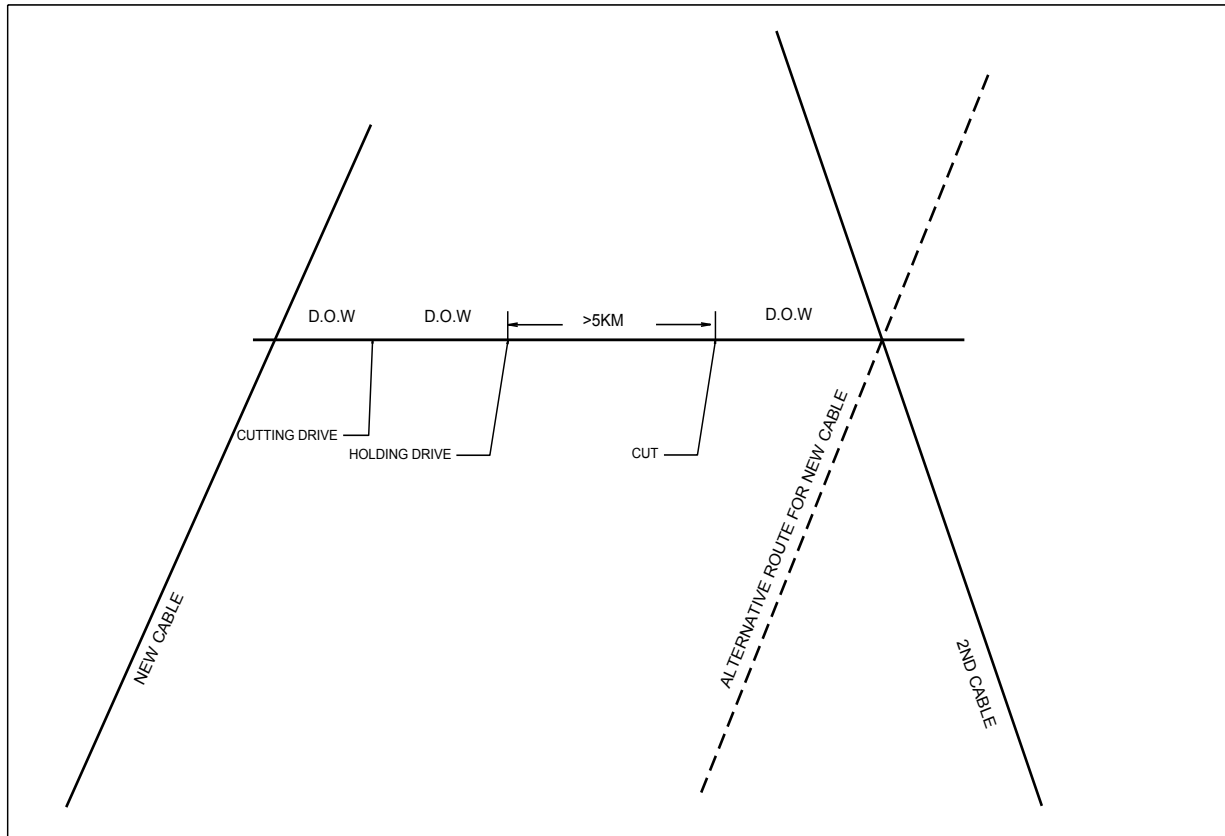
In deep water, crossings should be planned so that they are well away from existing cable crossings. However, where it is not possible to provide a sufficiently large separation, then it may be preferable to install the new cable over the existing crossing.

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: *(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

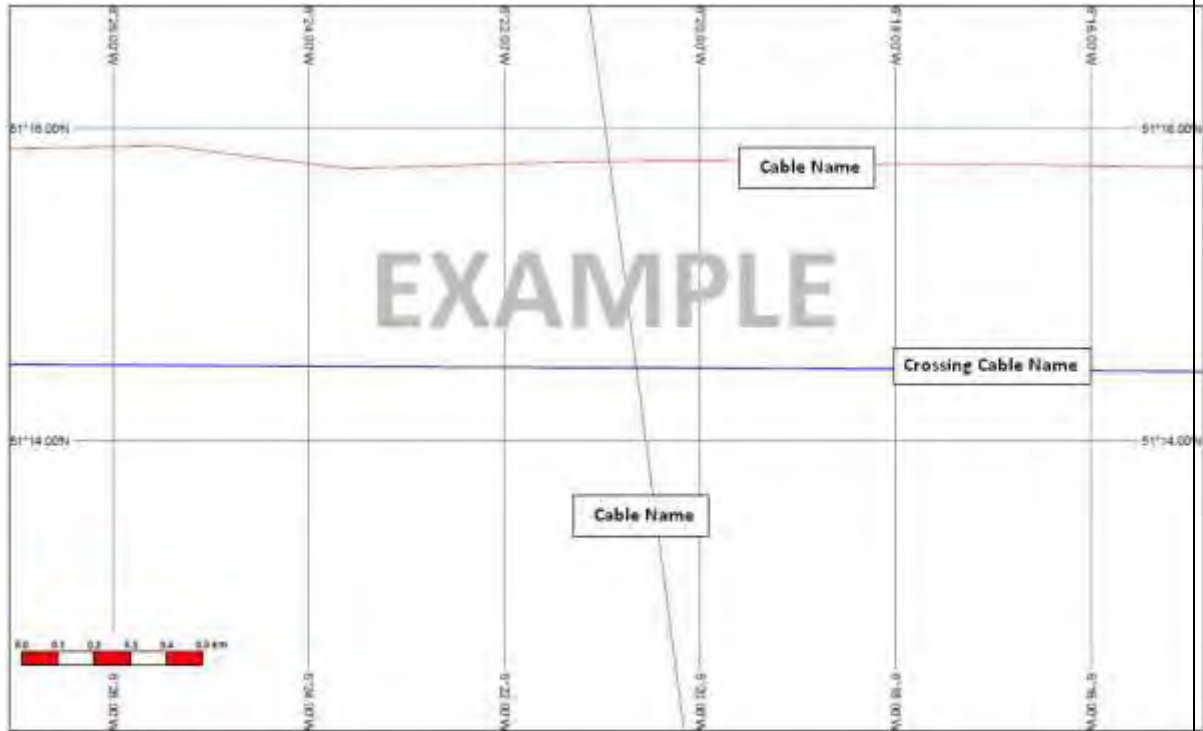
vi) Positions of any submarine plant within 3 x depth of water on both sides of the proposed crossing point.

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

File No: 24 06 00

Document No: 12021299
Enquiries to: Andrew Tester



27 April 2018

Taranaki Regional Council
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Stratford 4352
New Zealand

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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

Contact person: Andrew Tester (Senior Policy Advisor – Policy Implementation)

Email: Andrew.Tester@waikatoregion.govt.nz

Phone: (07) 858 4661

Post: Private Bag 3038, Waikato Mail Centre, Hamilton 3240

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.

Your name

Tom P Waite

Organisation (if applicable)

Address

406B St Aubyn St, Moturoa, New Plymouth

Daytime phone number

06-7591502

Email address

tomtomnz@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

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

**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

Phone: (09) 917-4302
Fax: (09) 917-4311
E-Mail: mLaurensen@burtonconsultants.co.nz

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~~ 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.**