

MANIAPOTO MĀORI TRUST BOARD

49 Taupiri Street
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TE KUITI

07 878 6234
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27 April 2018

Coastal Plan Review Project Team
Taranaki Regional Council
Private Bag 713
Stratford 4352

Tēnā koutou katoa,

A muri kia mau ki tēnā, kia mau ki te kawau mārō, whanake ake, whanake ake!

The Maniapoto Māori Trust Board (the Board) is constituted under the Maniapoto Māori Trust Board Act 1988 as a body corporate for the purposes of the Maori Trust Boards Act 1955. The beneficiaries of the Board are the members of the Maniapoto tribe and their descendants.

The indicative Maniapoto tribal boundaries extend from Te Raukumara in the north down to Waipingao Stream on the West Coast, inland to Taumarunui in the south and across to Wharepungua and the Hauhungaroa Range on the eastern boundary. The Board has 7 Regional Management Committees (RMC) within the Maniapoto rohe who represent clusters of marae in their respective areas. Our most southern west coast RMC is Mōkau ki Runga RMC based in Mōkau.

The Board holds responsibilities as co-governors and co-managers with the Crown for the Waipā River. These responsibilities are legislated under the Ngā Wai o Maniapoto (Waipā River) Act 2012 (NWOM) and also the co-governance entity, Waikato River Authority/Waikato River Clean-Up Trust.

The Board have developed one key document regarding the West Coast and the rest of the Maniapoto area which is: *He Mahere Taiao – The Maniapoto Iwi Environmental Management Plan*

The Board support this submission and acknowledge Mōkau ki Runga RMC.

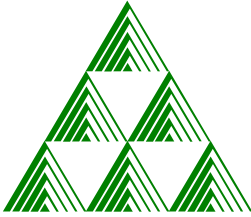
TARANAKI REGIONAL COUNCIL AND THE MANIAPOTO MĀORI TRUST BOARD

REGIONAL COASTAL PLAN REVIEW

The following are considered priority matters for Maniapoto:

1. Tangata Whenua Values and Relationships

Tangata whenua values and relationships are a key priority for Maniapoto and we encourage the Council to work closely with Mokau ki Runga RMC around matters including social, cultural and economic wellbeing.



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Waahi tapu sites and cultural significance of taonga and customary resources have been a concern for Maniapoto Maori Trust Board and we have been engaging with the Ministry for Culture and Heritage on some taonga that have been found at Tongaporutu.

We have close relationships with Ngati Tama and work well together. The position of Maniapoto is that the relationship of tangata whenua is recognised and provided for within this Coastal Plan.

2. Natural and Historic Heritage

The Board support the importance of natural and historic heritage and Taranaki abounds with it. We would like to ensure that the Māori narrative is incorporated into the rich history of Taranaki.

3. Coastal Water Quality

The quality of the coastal waters are of great interest to Maniapoto and ensuring that they are not further degraded any further. The mauri of the waters gives life. The Board support measures to ensure that development pressures do not deteriorate the coastal water quality.

4. Coastal hazards

The Mokau area is quite remote and high risk of coastal hazards. The Board encourage the Council to ensure that there is adequate resourcing to reduce vulnerability to property and the people who live there.

5. Indigenous biodiversity

The Board encourages the Council to ensure that indigenous biodiversity in the coastal environment is maintained and enhanced and that it is protected.

6. Treaty of Waitangi

The Board encourages the Council to uphold the principles of the Treaty of Waitangi and to actively look at Māori representation on its standing committees. We encourage the Council to recognise the spiritual connection that tangata whenua have with the coastal environment.

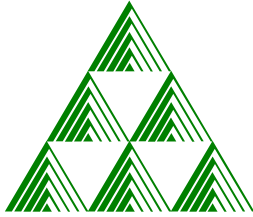
7. Life-supporting capacity and Mauri

The Board supports recognition by Council of Mauri and adverse effects when there is development of the coastal environment.

CONCLUSION

The Board has set the direction for Maniapoto in relation to the Maniapoto boundaries which are documented in: He Mahere Taiao – The Maniapoto Iwi Environmental Management Plan. We encourage Council to look specifically at Chapter 17 to further understand the position of Maniapoto.

The Board acknowledges and supports the Council to effectively lead and manage the Taranaki Region, for the greater community.



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Nāku iti noa, na

Sonya Hetet

Chief Executive

Submission on Proposed Coastal Plan for Taranaki

Thank you for agreeing to allow an extension to the submissions period for Maritime NZ and we hope the following is helpful.

Re: Section 8.1 Discharges, Rule 4 Petroleum dispersant use

Oil spill control agents (which include dispersants) that may be used in the marine environment in the case of an oil spill, must be approved by the Director of Maritime NZ under Marine Protection Rule Part 132. For that reason we have an interest in the wording of this section.

The term “petroleum dispersant” can be interpreted in two very different ways: 1) a dispersant to be used on petroleum products (spilt in the marine environment); but also 2) a petroleum based dispersant. The latter cannot meet the standard for approval by Maritime New Zealand under Marine Protection Rule Part 132, so cannot be discharged into the marine environment in the event of an oil spill. We suggest that to avoid ambiguity and to ensure alignment with Part 132, the term “Oil Spill Control Agent” (OSCA) could be used; an OSCA approved by Maritime New Zealand is termed an NZOSCA. The other benefit of using the term OSCA is that it extends to other product types that may be used beyond ‘dispersants’.

As the definition of an oil spill in Part 132 reads “...*an actual or probable release, discharge, or escape of oil*”, a natural oil seep resulting from dredging activities is already regulated by Part 132 and the MTA. Do you therefore need Rule 4? If so, all relevant sections of Part 132 would apply including provisions requiring authorization for discharge under an oil spill contingency plan, or by an on-scene commander.

Your name

roger maxwell

Organisation (if applicable)

Address

30 Ngapapa st
Urenui. POBox 41
Urenui

Daytime phone number

067523622

Email address

maxwell.rfh@xtra.co.nz

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

No

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

Yes

Your submission on the Proposed Plan

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

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

Document/file 1

Document/file 2

Document/file 3

Document/file 4

SUBMISSIONS ON PROPOSED COASTAL PLAN FOR TARANAKI

To: Taranaki Regional Council
Private Bag 713,
STRATFORD 4352

Submissions on: Proposed Coastal Plan for Taranaki

Name: Meridian Energy Limited
PO Box 2146
CHRISTCHURCH 8140

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

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

Meridian wishes to be heard in support of its submission.

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

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



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

27 April 2018

OUTLINE OF SUBMISSIONS

The submissions are structured under the following headings:

Part One: Overview and Background – Reasons for Submissions

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

Part Two: Submissions

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

1. OVERVIEW OF MERIDIAN

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

2. ELECTRICITY GENERATION OVERVIEW

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

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

Renewable Energy and Government Policy

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

2.13 The NPS REG also:

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

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

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

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

3. REASONS FOR SUBMISSION

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

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

PART TWO – SUBMISSIONS

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

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

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

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

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

SECTION 5 POLICIES

Section 5.1 General Policies

Section 5.1.1 Management of the coastal environment

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

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

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

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

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

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

Your submission should state:

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

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

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

Rule: 9

Coastal Management Area: Port

Classification: Permitted

Standards/Terms/Conditions:

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

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

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

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

I support or oppose the above provision

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

My submission is that

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

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

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

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

Activity Description

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

MPI suggests that:

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

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

Standards/Terms/ Conditions

The other suggestions, referred to briefly above, are:

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

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

These other changes for the new condition (f) include

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

Section 10: Definitions and Acronyms

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

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

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

I seek the following decision by Council

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

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

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

Rule: 10

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

Classification: Non complying

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

I support or oppose the above provision

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

My submission is that

Activity Description

As for Rule 9, MPI suggests that:

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

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

Activity based Policy 28

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

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

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

I seek the following decision by Council

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

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

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

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

- (a) deposition on the foreshore or seabed.

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

Rule: 9

Classification: Permitted

Standards/terms/conditions:

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

Notes

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

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

Footnotes

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

Your name

Fay Mulligan and Carol Koha

Organisation (if applicable)

members of Nga Mahanga tribe

Address

37 Pembroke Street, New Plymouth
7178A South Road, RD 37 Puniho Pa, Okato

Daytime phone number

06 7532747 0272413934

Email address

david.fay@xtra.co.nz

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

No

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

No

Your submission on the Proposed Plan

Areas in the plan that we wish to speak to are: vision, how the plan works, the Taranaki coastline, Mana whenua, coastal management, policies, tangatawhenua values and relationships, managing the Taranaki coastal environment, objectives, methods of implementation, management of the coastal environment, natural heritage, historic heritage, public use & enjoyment, coastal water /air quality, rules, guide for consents, sites with significant amenity values. Each area identified is in reference to protections of Cultural values / activities and Maori involvement and protection of tikanga.

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

Document/file 1

Document/file 2

Document/file 3

Document/file 4



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26 April 2018

Taranaki Regional Council
Private Bag 713
STRATFORD 4352

Attention: Fred McLay

Dear Fred

SUBMISSION ON PROPOSED COASTAL PLAN FOR TARANAKI

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

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

Yours faithfully

Juliet Johnson
DISTRICT PLANNING LEAD

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

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

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

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

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

On on-going operation and maintenance of regionally significant infrastructure

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

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

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

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

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

Submission on the Proposed Coastal Plan for Taranaki Taranaki Regional Council

Clause 6 of First Schedule, Resource Management Act 1991

To: Taranaki Regional Council
Address: Private Bag 713
Stratford 4352
Submitted online

Submission by: New Zealand Defence Force
Contact Person: Rebecca Davies, Senior Environmental Officer

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C/- Tonkin + Taylor
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Preliminary Matters

This is a submission on the Proposed Coastal Plan for Taranaki (the Plan).

New Zealand Defence Force (NZDF) **could not** gain an advantage in trade competition through this submission.

The New Zealand Defence Force (NZDF) has military interests throughout New Zealand, including the Military Operational Area M302 located off the Taranaki Bight partly within the jurisdiction of the Proposed Coastal Plan for Taranaki. NZDF may also undertake temporary military training activities (TMTA) in the Taranaki region.

Training activities undertaken in and around the coastal area could include amphibious landings (where personnel are deployed to shore from sea and air), infrastructure support (sourcing potable water), search and rescue exercises, among others. These important training activities ensures that NZDF has a successful deployed joint force that can deal with any of the possible scenarios NZDF faces, both within New Zealand and overseas, including natural disasters and humanitarian crises.

This submission relates to the provisions relevant to NZDF interests including TMTA undertaken by NZDF, as they apply to the coastal environment.

Submission and decisions sought

NZDF's submission including the decision sought from Council on each of the matters raised in this submission are detailed on the attached sheet.



Date 27/04/18

Person authorised to sign
on behalf of New Zealand Defence Force

Table 1: NZDF submission

Point	Provision	Support/ Oppose	Reasons	Relief Sought
Definitions				
1	Definition of regionally important infrastructure	Support	The proposed definition of 'regionally important infrastructure' include defence facilities (point (e)) which is appropriate.	Retain the definition as notified.
2	Definition of Military Training	Support in part	The definition of "military training" is appropriate and is generally consistent with the definition contained within other regional plans nationwide. Defining this term in the Plan provides clarity in the application of the underlying provisions in the Plan. However, NZDF requests that the activity is described as 'temporary military training activities', and this wording is used throughout the Plan. Currently, various terms including "military training activities" and "temporary military training activities" are used in the Plan, which may be confusing for users. Consistent terminology would assist readability of the Plan.	Retain the definition as notified. Amend the definition and terminology used throughout the Plan to consistently refer to 'temporary military training activities'.
3	Definition of biofouling	Support	NZDF supports the proposed definition for biofouling.	Retain the definition as notified. <i>Biofouling means the aquatic organisms such as micro-organisms, plants and animals that have accumulated on surfaces and structures immersed in or exposed to the aquatic environment.</i>
Objectives				
4	Objective 2	Support	This objective recognises that some activities depend on being located within the coastal area (where located appropriately), while also aiming to ensure that coastal resources are used appropriately and efficiently.	Retain objective as notified.
5	Objective 3	Support	This objective provides for the operation of infrastructure and lawfully established activities, protecting them from new or	Retain objective as notified.

Point	Provision	Support/ Oppose	Reasons	Relief Sought
			inappropriate use and development (reverse sensitivity effects). This is important as infrastructure and activities can be affected by new development being located in proximity to them. The NZDF Military Operational Area M302 is partly within the Taranaki region and should be protected from inappropriate use and development.	
Policies				
6	Policy 6	Support	This policy recognises activities that provide for the wellbeing of the local community. NZDF considers this includes temporary military training activities (TMTA) as this training activity ensures the defence force personnel are appropriately trained to respond to events both in New Zealand and overseas. Having a properly trained defence force is essential to ensuring the nation's security and therefore this should be provided for in the Plan's policy framework. On this basis Policy 6 is supported.	Retain policy as notified.
7	Policy 17	Support	This policy aims to protect public access to the coastal marine area, which is appropriate. However, there may be times where public access needs to be restricted, including during activities undertaken in accordance with the Defence Act 1990, as noted in clause c(vi) of this policy.	Retain this policy, in particular clause c(vi), as notified.
8	Policy 22	Support	NZDF may undertake training activities involving the use of potable water treatment units, which may include the subsequent discharge of contaminants to coastal waters. This policy is considered to provide for these activities, while having regard to the appropriate parameters and outcomes.	Retain policy as notified.
9	Policy 28	Support	This policy provides for the cleaning and maintenance of structures and ships, while minimising the risk of the introduction and/or spread of harmful aquatic organisms, which is appropriate.	Retain policy as notified.
10	Policy 47	Oppose	NZDF may take coastal waters as part of undertaking training activities on the use of potable water treatment units. This policy provides for the taking and use of coastal water, at a	Amend Policy 47 to ensure a connection between the policy and rule framework and to allow the take

Point	Provision	Support/ Oppose	Reasons	Relief Sought
			<p>quantity or at a rate where there are no adverse effects. 'No adverse effects' is a very high bar and currently there is no connection between this policy and the underlying Rule 65 (discussed in submission point 24 below). This rule does not place any limits on quantity or rate of water take to ensure that there would be no adverse effects from the activity, as required by this Policy.</p> <p>NZDF wish to see alignment between Policy 47 and the associated rules, and for Policy 47 to allow for a reasonable volume and rate of coastal water to be abstracted as a permitted activity.</p>	and use of coastal water at a rate and volume where this take results in an acceptable level of environmental effect.
11	Policy 49	Support	This policy is considered appropriate as it allows for the use and development of the coastal marine area where noise and vibration is managed appropriately.	Retain policy as notified.
Rules				
12	Rule 9 Biofouling	Support in part	NZDF supports this rule, as it is appropriate to provide for this activity within the Port Zone. However, NZDF considers it is also important to provide for biofouling in the Open Coast and Estuaries Modified coastal management area as a permitted activity.	<p>Amend the rule to also provide for biofouling activities in the following coastal management areas:</p> <ul style="list-style-type: none"> • Estuaries Modified • Open Coast
13	Rule 9 Biofouling Standards (a) – (c)	Support in part	In general, NZDF supports the intent of these standards, however standard (c) stating the timeframe required for notifying the Ministry for Primary Industries (MPI) of a suspected invasive or non-indigenous aquatic species 'immediately', is considered impractical. Instead, NZDF suggests that the wording 'without unreasonable delay' is used, which appropriately provides for notification to MPI as soon as possible after the species is suspected.	Amend standard (c) to require notification to MPI of a suspected invasive or non-indigenous aquatic species ' <i>without unreasonable delay</i> '.
14	Rule 10 Biofouling	Oppose in part	Biofouling is an important preventative measure for managing aquatic pests and it also ensures ships are well maintained. Therefore the sampling, scraping and cleaning of objects should	Amend Rule 10 to provide for biofouling activities in the Outstanding Value and Estuaries Unmodified

Point	Provision	Support/ Oppose	Reasons	Relief Sought
			be provided for in Outstanding Value and Estuaries Unmodified Coastal Management Areas also.	Coastal Management Areas as a discretionary activity.
15	Rules 13 and 14	Oppose	<p>Rules 13 and 14 require consent be obtained for any discharge activity not specifically provided for by Rules 1 to 12. This is considered overly onerous for activities with less than minor effects on the environment, including activities associated with military training (along with numerous other activities which are not specifically identified but may have very minor / negligible effects).</p> <p>Military training in the coastal environment can involve training in the use of NZDF portable water treatment units. These units are deployed during events such as the Kaikoura earthquakes. It is important that NZDF personnel are fully trained in the use of these units.</p> <p>Potable water is only chlorinated if necessary for training purposes. Procedures ensure that chlorine levels in the receiving water will not exceed ANZECC guidelines.</p> <p>The concentrate and backwash water discharges contain only a concentration of natural contaminants, predominantly salt and suspended solids. This is managed by discharging over vegetated land, except when treatment systems with filtration units that retain solids are used. Concentrate from these units can be returned directly to water bodies without impacting receiving water quality.</p> <p>Equipment cleaning and disinfecting is generally undertaken at a camp or base, however it is sometimes necessary to discharge cleaning solutions and rinse water in the field. In this instance, it</p>	<p>Insert a new rule permitting minor discharges (similar to Rule 57 regarding minor disturbance and removal), which would provide for the operation of the portable water units. Alternatively, insert a new rule specifically permitting discharges from the operation of portable water treatment units, such as:</p> <p><u><i>“The discharge of contaminants or water to the coastal marine area from portable water treatment units for the purpose of temporary military training activities is a permitted activity.”</i></u></p>

Point	Provision	Support/ Oppose	Reasons	Relief Sought
			<p>is discharged in a controlled manner at locations where the contaminants will soak into the ground and not result in run-off to surface water.</p> <p>NZDF has monitored the use of portable water treatment units in coastal environments. Sampling results and analyses demonstrate that adverse effects on the environment from the discharges to the coastal marine area have little effect on coastal water quality. Tidal and wave action will rapidly disperse the discharges so there is unlikely to be a noticeable difference in water quality within a few metres of the discharge point. Discharges will not result in any turbidity over and above that normally generated by wave action, and any scour from the discharges will be temporary and rapidly re-established by the tide. On this basis, NZDF considers it appropriate for the discharges to be permitted.</p>	
16	Rule 31	Oppose in part	<p>NZDF supports the inclusion of a permitted activity rule for TMTA. As currently written the rule provides for the broad range of activities undertaken as part of military training.</p> <p>Although this rule does not provide for TMTA within Outstanding Value Coastal Management Areas, NZDF has reviewed these and considers that excluding these areas from this rule would not unduly restrict the ability for NZDF to undertake TMTA in the Region as a whole.</p>	Retain the rule wording as notified, and amend the underlying standards as discussed in further submission points below.
17	Rule 31 – permitted activity standard (a)	Oppose	NZDF has accepted a period of 31 days in other plans around the country during the Plan review process, providing national consistency, desirable to NZDF. This provides NZDF sufficient scope to undertake most TMTA activities, while also providing Council with surety that the occupation is temporary.	Amend standard to allow TMTA to occur for a duration of up to 31 days.
18	Rule 31 – standard (d)	Oppose	A requirement to notify a territorial authority should not be included as a standard in a regional plan.	Remove this standard in its entirety.

Point	Provision	Support/ Oppose	Reasons	Relief Sought
19	Rule 31 – standard (g)	Support in part	This standard references the general standards, including noise provisions. The Plan contains noise standards for TMTA. NZDF has obtained professional acoustic advice from Malcolm Hunt and Associates, who are very familiar with NZDF activities. NZDF has developed bespoke noise standards for TMTA, which are appropriate to the particular aspects of TMTA activities, most notably noise from weapons firing and explosives.	Amend the noise provisions in the Plan's General Standards section, as further discussed in point 22 of this submission.
20	Rule 31 – standard (h)	Neutral	This standard would not unduly restrict the majority of NZDF TMTA within the coastal marine area, and is therefore acceptable.	Retain as notified.
21	Rule 31 – standard (j)	Neutral	This standard would not unduly restrict the majority of TMTA within the coastal marine area.	Retain as notified.
22	General standard 8.6.3 (c)	Oppose	<p>This standard prescribes noise standards for TMTA in the coastal marine area. These standards as currently drafted are inappropriate for TMTA. NZDF wishes to make sure that the noise standards included in plans are up-to-date, appropriate for the type of noise generated and relatively simple to understand and assess compliance with.</p> <p>To this end, NZDF has commissioned professional acoustic advice on appropriate standards to control noise effects from temporary military training activities. This report can be provided on request. Based on this advice, NZDF has developed revised noise control standards that it is seeking to have included in proposed plans nation-wide (refer Attachment A). NZDF requests these are used in place of the limits listed in General Standard 8.6.3(c). A more detailed explanation of these standards is given in Attachment B to this submission.</p>	Remove the provisions within General Standard 8.6.3(c), and replace with the standards prepared by NZDF specifically for TMTA, that are attached as Attachment A to this submission.
23	Rule 32	Support	It is appropriate that TMTA that do not comply with permitted activity standards are controlled activities. This allows NZDF the surety that the activity can proceed (and in turn they can fulfil their obligations under the Defence Act) and also allows Council	Retain provision as notified.

Point	Provision	Support/ Oppose	Reasons	Relief Sought
			the control of potential adverse effects of the activity.	
24	Rule 65	Oppose	<p>This rule permits the taking and use of coastal water as a permitted activity, which would provide for TMTA activities. However, currently the connection between this rule and Policy 47 is unclear. As discussed in submission point 10 above, Policy 47 provides for the taking water in a quantity or at a rate that would not cause adverse environmental effects.</p> <p>Currently this rule does not provide any direction on the quantity or rate of take that would result in no adverse effects, as required by Policy 47.</p>	Amend rule to insert a limit on quantity and/or rate of water take, or otherwise amend to ensure consistency with Policy 47.

Attachment A: Noise Standards for Temporary Military Training Activities

General Standard xx: Temporary Military Training Activities in the coastal marine area shall comply with the following noise standards:

Note: When the background sound level exceeds the limits set out below (due to noise of the sea, wind noise, traffic noise or other uncontrollable types of noise), the limits will not apply but every person will remain under the duty to avoid unreasonable noise in section 16 of the RMA.

1. Weapons firing and/or the use of explosives

- a. Notice is provided to the Council at least 5 working days prior to the commencement of the activity.
- b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity:
0700 to 1900 hours: 500m
1900 to 0700 hours: 1,250m
- c. Where the minimum separation distances specified above cannot be met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity:
0700 to 1900 hours: 95 dBC
1900 to 0700 hours: 85 dBC

2. Mobile noise sources

Shall comply with the noise limits set out in Tables 2 and 3 of *NZS6803:1999 Acoustics – Construction Noise*, with reference to 'construction noise' taken to refer to mobile noise sources*.

Note: Mobile noise sources (other than firing of weapons and explosives) include personnel, light and heavy vehicles, self-propelled equipment, earthmoving equipment.

3. Fixed (stationary) noise sources

Shall comply with the noise limits set out in the table below when measured at the notional boundary of any building housing a noise sensitive activity*.

Time (Monday to Sunday)	L _{Aeq} (15 min)	L _{AFmax}
0700 to 1900 hours	55 dB	
1900 to 2200 hours	50 dB	n.a.
2200 to 0700 hours the next day	45 dB	75 dB

Note: Fixed (stationary) noise sources (other than firing of weapons and explosives) include power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems.

4. Helicopter landing areas

Shall comply with *NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas**.

* Noise levels shall be measured in accordance with *NZS6801:2008 Acoustics – Measurement of Sound*.

Attachment B: Explanation for replacement noise standards for Temporary Military Training Activities

NZDF wishes to make sure that the noise standards included in Plans are up-to-date, appropriate for the type of noise generated, and relatively simple to understand and assess compliance with. To this end, NZDF has commissioned professional acoustic advice on appropriate standards to control noise effects from Temporary Military Training Activities. This report can be provided on request. Based on this advice, NZDF has developed revised noise control standards that it will seek to have included in proposed plans nation-wide.

The replacement noise standards proposed by NZDF focus on compliance at dwellings, residentially zoned sites, and buildings used for residential, educational or healthcare purposes.

In summary, NZDF's proposed standards divide noise sources from Temporary Military Training Activities into four categories: weapons firing and explosions; other mobile sources such as vehicles and earthmoving equipment; fixed noise sources such as power generators and water pumping, and helicopter landing areas. Each of these noise sources has different noise characteristics, and therefore a different set of standards for controlling noise. NZDF considers that this division allows a more comprehensive and appropriate method for controlling noise from Temporary Military Training Activities.

For weapons firing and explosives, the noise control standard used is separation distances between the activity and any sensitive receiver (dwelling, residentially zoned site, or building used for residential, educational or healthcare purposes). Four separation distances are specified – a night-time and daytime distance for firing of live ammunition and explosives, and a night-time and daytime distance for firing of blank ammunition, which is less noisy than live firing. The distances have been arrived at after review and analysis of data measured from real military activities, to ensure that the sound levels received at the specified distances will be reasonable (generally less than 55 dBA for daytime and less than 45 dBA for night-time). Using separation distance as a standard has the advantage of being an easy to comply with and easy to monitor standard.

For mobile noise sources (other than weapons firing and explosives), compliance with the construction noise standards is recommended, as this standard most appropriately addresses this type of noise.

For fixed noise sources, which can be located to ensure compliance with standards, dB LAeq levels are specified, in line with NZS6802:2008 Acoustics – Environmental Noise. This is considered the most appropriate way to control noise levels from these sources.

NZDF has also considered noise from helicopters associated with temporary military training activities. NZDF proposes the use of NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas to control this type of noise.

Your name

Elise Smith

Organisation (if applicable)

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

No

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

Yes

Your submission on the Proposed Plan

Thank you for the opportunity to submit on the Proposed Coastal Policy Plan. We commend the council on the clear documentation and navigation through the documents.

1. The Society supports the inclusion of eight coastal areas of outstanding value and the nine outstanding natural features or landscapes. We are particularly pleased to see the inclusion of ONC 6 'Project Reef' p 129, and ONC 7 North and South Traps, p 130; in Schedule 2 of the Draft Coastal Plan.

2. The Society does not support the Activity 'Seismic surveying or bathymetric testing involving discharge of energy into water in the coastal marine area and any associated noise.' We have concerns that the effects have not been adequately evaluated in New Zealand, as international evidence suggests detriment to all forms of marine life, from plankton to seals, to whales. Rules 12, 13, 14, p53. We wish the Taranaki Regional Council to remove and to 'Refuse' this Activity.

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

The Society is very concerned about the effects of seismic surveying under Rule 11. The "2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations". We consider that seismic surveys should not be permitted due to the effects on all marine life. There is insufficient information published about the affected species in Taranaki waters, and discussion about the effects.

Document/file 1**Document/file 2**

27 April 2018

Chief Executive
Taranaki Regional Council
Private Bag 713
Stratford 4352

Attn Basic Chamberlain

Tena koe Basil

SUBMISSION ON THE PROPOSED COASTAL PLAN FOR TARANAKI

Following is my submission on the Proposed Coastal Plan for Taranaki. I would like to be heard regarding this submission so that I can clarify and expand upon matters as may be required

This submission is made on behalf of several whanau of the Ngati Hine Hapu of Te Atiawa, who have an interest in the coastal area between Titirangi in the west and Te Rau o Te Huia in the east. We understand that Ngati Rahiri also have an interest in this area but that they have chosen not to submit to the proposed plan.

Introduction

My name is Keith Holswich and I am Te Atiawa. My whanau have an extensive history and interest in the coastal area generally known as Motunui, in North Taranaki.

Firstly, I wish to thank TRC for putting this proposed plan together. It has been understandable and notwithstanding my comments and submissions following, both my whanau and I support the plan in general and thank Council staff for the times, and the discussions we have had together. Of course, we may not agree on all matters, but we have both been open to reasoned and reasonable debate.

Submission on Proposed Plan Details

Pg 1 - 1.2 Purpose

We believe the purpose of the Plan should be more than to “assist” the TRC to carry out its functions. We believe the purpose should be either to “direct” or “guide” the TRC. A stronger purpose is required here.

Pg 9 - 2.1 Resource Management Act

Again, the plan should “direct” not “assist” TRC

Pg 24 – Policy 14: Indigenous Biodiversity

We wish to ensure that both our shellfish and crayfish, and the habitat for both, are protected in this section. We cannot see where they are so would like them included. If they are mentioned here, then we would be happy to have this pointed out to us.

Pg 26 – Policy 17: Public Access (b)

We wish TRC to be very careful here as we simply do not wish to have “public” access to some of our sensitive cultural sites. Quite happy if access is provided for our whanau, but not the public in general. We are not sure what wording can be used here to make this work.

Pg 27 – Policy 21: Natural Hazard Defences

We agree with this policy however with the scant details provided, it appears almost as if this policy was added as an afterthought. We believe this policy should be expanded to show how or what will be done to provide a natural defence from coastal hazards

Pg 36 – 6.5 Historic Heritage – 24

We ask that the definition “waahi taonga” be inserted here both with the identification and electronic inventories. We will provide TRC with our GIS data of sites that we are willing to share however this data is not attached to this submission.

Pg 36 – 6.5 Historic Heritage – 25

We believe that TRC should do more than “consider” Iwi involvement or partnerships in these matters and as such, a word stronger than “consider” should be used here to show appropriate commitment from TRC

Pg 36 – 6.5 Historic Heritage – 27

We ask that the definition “waahi taonga” be inserted here

Pg 37 – 6.6 Public Use and Enjoyment – 35

There is a very big conflict in this section. QEII covenants generally exclude public access so to include QEII covenants in a section that is trying to promote public access does not make sense. We ask that the QEII matter here be reviewed and if necessary, removed from this section.

Pg 47 – 8.1 Stormwater Discharges – Rule 1 (b)

Our concern here is that it should not be the area of land that determines what should or shouldn't happen to stormwater, it must be the activity that is considered. It appears that there is a conflict here between a) and b). We seek a review of this activity

Pg 49 - Petroleum Dispersant Use – Rule 4

We are concerned that rules relating to petroleum dispersant only apply in the port area and that ALL other coastal management areas should be considered. At the moment, it appears that as much petroleum dispersant as anyone wants can be used within any area including those of outstanding value with no rules or conditions at all. We ask that ALL coastal management areas be considered here.

Several of the next submissions deal with the term “Permitted Activity” that has been determined by TRC. We are reminded of a recent RMLA seminar where the renowned Dr Marie Brown, author of “Last Line of Defence” regarding compliance, monitoring and enforcement of environment law in NZ, noted that

“permitted activities have the largest risk of damaging our environment simply because they are seldom monitored, and the applicant seldom reads conditions that may be a requirement of the permitted activity”

We have used her discussion to re-visit TRC’s “permitted activities” as follows

Pg 53 – Seismic Surveying and Bathymetric Testing – Rule 12

The standards/terms/conditions of this rule make no mention of iwi involvement in areas that could be highly sensitive to iwi/hapu. We wonder how an event such as a rahui could be considered when there is no iwi/hapu involvement. We believe this activity should be a controlled activity with considerations from iwi/hapu

Pg 57 – Outfall Structure Placement – Rule 16

We cannot accept that structures may be placed on or over our kaimoana reefs as a permitted activity and without iwi/hapu consideration notwithstanding the standards/terms/conditions that are in place. We believe the protection of our reef systems needs to be specifically mentioned, that this activity should be discretionary or at the very least controlled, but with iwi/hapu consultation in all cases.

Pg 59 – Mooring Structure Placement – Rule 20

Our concerns are the same as those set out in Rule 16 above. We believe the protection of our reef systems needs to be specifically mentioned, that this activity should be discretionary or at the very least controlled, but with iwi/hapu consultation in all cases.

Pg 60 – Navigation Aid Erection or Placement – Rule 21

Our concerns are the same as those set out in Rule 16 above. We believe the protection of our reef systems needs to be specifically mentioned, that this activity should be discretionary or at the very least controlled, but with iwi/hapu consultation in all cases.

Pg 61 – Network Utility Structure or Erection or Placement – Rule 22

This is where we are confused as this activity is controlled, which we can accept, yet Rules 16, 20 and 21 are permitted which we cannot accept. In this Rule 22, we request that the protection of our reef systems is included in the Control/notification column and that iwi/hapu consultation be a requirement in all situations

Pg 64 – Exploration or Appraisal Well Drilling – Rule 26

During an Environment Court case several years ago, our esteemed kaumatua, Lyndsay McLeod, who was representing STOS, advised that a waahi tapu site extended from the centre of the earth, to the heavens above. We have accepted the definition he made here. Therefore, in the Standards/terms/conditions column item (c) we request that the appropriate words for this section should be

“drilling is not undertaken within, over, or under, any site identified in Schedule 5 (Historic Heritage)”

Pg 65 – same section

In the Controlled notification column, we could accept that any resource consent application under this Rule will not be publicly notified (although we cannot understand why not) but we cannot accept that the consent MAY be limited notified. We insist that iwi/hapu have a say in a consent of this nature especially where our reef systems may be affected. We request the wording here be changed so that potentially affected parties WILL be notified.

Pg 66 – Rule 27

We ask why the standards/terms/condition and the control/notification column are left blank here?

Pg 68 – Rule 29

We ask why the standards/terms/condition and the control/notification column are left blank here?

Pg 69 – Rule 30

We ask why the standards/terms/condition and the control/notification column are left blank here?

Pg 70 – Temporary Military Training – Rule 31

We believe this rule must be considered a controlled activity as while standard (j) notes that the activity should not have an adverse effect on the values associated with historic heritage, we wonder how the defence force will even know about our significant sites if iwi/hapu are not advised prior. We would be horrified if a military exercise were to be carried out on a seemingly innocuous sand hill when it is in fact, a burial ground. Or what happens if we are having a tangi at our urupa on the coast and heavily armed military personnel happen to be running around. This would be unacceptable and the only way for this not to happen, is to make this activity Controlled rather than Permitted, and include in the Control/consent column, that iwi/hapu are to be notified. We ask TRC to reconsider the classification and to add some form of iwi/hapu consultation here.

Pg 47 – Community Recreational or Sporting Activity – Rule 47

We ask TRC how our historic site, waahi tapu and waahi taonga are to be protected if this activity is permitted? If the permitted activity classification is to remain, then the standards/terms and conditions should be amended along the lines that no activity can take place within 100m of an historic site unless consultation with iwi has taken place.

The following submissions relate to the Definitions and Acronyms

Pg 111 - Hapu

This definition needs to be amended to specify “families of people of Maori descent” as at the moment, hapu refers to anybody

Pg 112 - Historic Heritage

While the RMA generally includes sites of significance under the definition of Historic Heritage, we believe this to be a too broad approach to our sites. Environment Court case law has so eroded the definition of our traditional Waahi Tapu sites, to such an extent that Waahi Tapu are now no more than isolated and very small areas of land, we believe the currently accepted definition of Waahi Taonga (Treasured Place) should be added. We request that Council amend (b) (iii) to “sites of significance to Maori, including waahi tapu and waahi taonga, and ...”

Pg 112 - Industrial or trade site

This definition is not included at the moment however industrial or trade premises is. We believe that there is far more chance of problems happening with a “site” than with a premise so would like this definition added

Pg 113 – Land

As previously discussed regarding the extents of waahi tapu, we believe the definition of land should be amended to include everything below the surface as well as everything above the surface. We ask that this definition be amended

Pg 114 – Petroleum

We believe this definition to be rather long-winded and that (a) and (b) could be combined to simply read

“any naturally occurring hydrocarbon or naturally occurring mixture of hydrocarbons (other than coal) whether in a gaseous, liquid or solid state”

Pg 115 – Pipeline

The definition of pipeline as it stands is too broad. Most certainly, a pipeline does not mean all machinery, tanks and fittings connected to the pipeline. We will accept that a pipeline includes fittings

connected to the line, however other machinery and tanks should be removed from this definition and if required, have their own definition. We request this definition be amended.

Pg 115 – Produced water

We ask that this definition be changed to include

“means water with or without high mineral or salt content”

Pg 116 – Sewage

We request that the acronym WC needs to be defined some-place else or expanded here.

Page 116 – Silent Files

We believe a definition of Silent Files needs to be added to describe those sites that iwi/hapu have identified but do not wish to disclose details or even the location of.

Pg 117 – Tangata whenua

We ask that this definition be expanded to include

“...means the iwi, or hapu, or whanau, that holds mana whenua over the area”

Pg 117 – Taonga

Currently, the definition describes prized possessions of the tribe only. We ask that this definition be changed either to include iwi, hapu and whanau, or perhaps generically, use the word Maori.

Pg 117 – Waahi Taonga

This definition need to be added – see comments under Historic Heritage

The following submission relates to the Maps

Maps 9 & 10

We will supply TRC with our digital GIS data outlining the extents of our waahi tapu interests along the coast which extend into the eroded coastal environment. The site information contained in the New Plymouth District draft plan should not be used in the Coastal Plan

Maps 9 & 10

We note that the maps only include our reef systems that are accessible by foot a low water however these reef systems extend several kilometres offshore and must be included in any Council planning maps. There are many activities that can/will affect our reef systems away from the immediate coast and any damage to this system offshore, will most certainly affect those accessible areas close to the shore. We will supply our digital GIS data outlining the extents of the reef systems between Titirangi and Te Rau o te Huia and request that they be included in the maps.

That is our submission to the Proposed Coastal Plan. If you have any questions or queries relating to this submission, my contact details are included below. And to confirm, I would like to be heard in relation to this submission.

Nga mihi

A handwritten signature in black ink, appearing to read "K. Holswich".

Keith Holswich

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**Te Rūnanga o Ngāti Ruanui Trust's
Submission on the Draft Proposed
Coastal Plan for Taranaki**



Introduction

Te Runanga o Ngati Ruanui's (Ngati Ruanui) environmental issues revolve around the following (but not limited to):

- Protection of taonga (treasures, natural resources including indigenous species);
- Protection of significant areas which include areas of interest, statutory acknowledged areas, wahi tapu (sacred sites), significant traditional/customary sites (currently and previously used by our ancestors) and cultural heritage;
- Active participation in resource management, decision-making and monitoring (using mauri indicators);
- Integration of matauranga māori principles with regional and district plans;
- Application of 'values-based framework' in assessing effects on cultural well-being and in assisting decision-making including application of consent conditions and monitoring programme.
- Consultation with mana whenua as good planning practice in order to adequately assess effects on cultural values.

After reviewing the Proposed Coastal Plan for Taranaki (the Plan), we've identified matters that should be amended to provide consistency, adequately integrate our values, and to meet the purpose and principles of the RMA including associated legislations.

One of the matters refer to objectives. Out of the 13 objectives, only two objectives specifically refer to tāngata whenua: objectives 9 (relationship of tangata whenua with the coastal environment) and 10 (Treaty of Waitangi). The objectives do not adequately address all of our issues and in effect provide positive resource management outcome for mana whenua and the Coastal Marine Area (CMA). We discuss identified 'gaps' (matters of concern) in the succeeding sections of our submission and have provided recommendations to fill these gaps and to assist the Taranaki Regional Council (TRC) in complying with their Resource Management Act 1991 (the RMA) roles and responsibilities.

Vision

In the Plan's vision statement, 'Taranaki' refers to the people, the mountain, the land and the region. The words 'tūtahi' refers to standing together, as one people, cohesively for a specific purpose, to achieve a united goal for the benefit of our region.

The Plan refers to the coastal marine environment which includes the coastal water. We recommend that the vision statement includes the word "water" to adequately reflect Taranaki and the coverage of the Plan.

Section 5: Policies

Section 5.1 lists general (overarching) policies that apply to all activities addressed within the Plan. These key policies provide an overall direction for achieving integrated (i.e. coordinated and consistent) management of the CMA and the outcomes sought for some significant values and matters.



All general policies and objectives apply within the CMA and coastal environment boundary (up to the land limit) particularly effect within these areas and boundary. Although activities undertaken within the Exclusive Economic Zone (adjoining the CMA) is not captured by the Plan, our point of contention in this approach relates on the application of integrated management not only to the adjoining in-land boundary but also to adjoining Exclusive Economic Zone of the water limit of the CMA. This has been raised by appellants in the High Court with respect to the Trans -Tasman resources Limited's seabed mining application. We recommend that the TRC follows the directions of the High Court and/or seek legal advice on the 'defect' of the RMA to ensure that the sustainable management purpose of the RMA is followed.

1.6 Mana whenua

According to section 1.6 of the Plan, *"These resources were integral to the lives of the people who occupied the settlements adjoining the coastline. Tangaroa provided for these people materially, acted as a highway for travel, was a source of rongoa (medicine), aided their well-being and provided spiritual sustenance." "The settlement illustrates the relationship of the iwi of Taranaki with the coast. This Plan has integrated the values of Taranaki iwi throughout Plan provisions."*

We confirm that tangaroa is still currently a source of rongoa. The use of the word 'was' indicates past use which is not the case. Besides this, tangaroa is also a source of mahinga kai. We recommend that this be corrected.

Ngati Ruanui is assembling information based on interaction with hapu, marae and whanau to confirm sites of cultural significance which should be identified in the Plan for active protection. We have included these sites with the coastal management areas and applicable schedules of the Plan. Further information will be provided as we progress through the review process of the Plan. Confirmation of such sites is a 'mammoth' task. The TRC may wish to extend assistance in resourcing such task.

3.1 Taranaki coastal environment

Ngāti Ruanui is concerned that the rules of the Plan are permissive of development and does not adequately refer to cultural values. For example, rule 1 which refers to stormwater discharge into water or onto land, etc are considered permitted activities. Standards/terms/conditions associated with rule 1 do not require consideration of adverse effects arising from the discharge on cultural values. In addition, the rule does not refer to schedules and appendices associated with tangata whenua.

According to the Plan, there is a relatively low demand for activities in Taranaki's coastal marine area. As of June 2016, there were only 254 current coastal permits, comprising 5% of all resource consents administered by the Taranaki Regional Council.



Prior to July 2011, the TRC did not require resource consents for the more than 50 fracking activities that were performed.¹ The legality of this was questioned by the public. After receiving legal advice, the TRC now requires resource consent for fracking.²

Based on the above, we claim that the TRC is likely to be develop Plans leaning towards or permissive of development (includes oil and gas activities). We recommend that section 3.1 be amended to include information in terms of the known number of activities that did not require resource consent versus the number of activities that require resource consent to provide the reason why only 5% of all coastal permits are administered by the TRC.

Objective 5: Coastal water quality

Objective 5 of the Plan seeks to maintain and enhance the water quality in the coastal environment. Much of our understanding of coastal water quality comes from scientific-based studies, monitoring and methodologies. However, we argue that there is a wealth of knowledge to be gained from māori-value based assessment methods and participation in monitoring. For Ngati Ruanui, the inclusion of mauri values and cultural perspectives with Objective 5 will provide for a combined science and cultural framework. This combined framework will help mana/tangata whenua articulate the way they interpret their environment (both natural and human-modified ecosystems), the issues they contend with, how they assess effects, how they measure change, and how they process information and arrive at decisions.

The inclusion of ‘mauri values’ could be linked to key cultural indicators, largely based on mātauranga Māori, mauri, taonga, significant indigenous species, spatial area affected (refer to spatial planning discussion), and perceived problem. The indicators could be used to assess progress towards desired cultural and environmental goals and can be applied to the coastal marine environment where goals are determined and trends are measured. Henceforth, the amended objective will align with Policy 11 which seeks to maintain and enhance coastal water quality by avoiding, remedying and mitigating the adverse effects of activities on, and in particular, the mouri and wairua of coastal water. Rules and methods could be used to reflect and complement the māori and scientific framework/approach and to support cultural impact assessments and long-term monitoring programmes.

¹A discharge of a contaminant into land cannot occur unless allowed by regulations or resource consent under s 15 of the RMA. The Council considered fracking to have very minimal environmental effects and so s 15 would not apply. Para 4, legal advice to Taranaki Regional Council, 1 August 2011.

²*“You have advised that there is no regional rule currently authorising such a discharge in Taranaki. Nor has the Council granted any resource consents authorising fracking discharges. On that basis, despite what might be assessed as very minimal environmental effects, fracking may contravene the RMA in some site-specific circumstances at the present time in Taranaki.”* Para 27, legal advice to Taranaki Regional Council, 1 August 2011. The legal advice [para 30] also advised that whether fracking would have minimal environmental effects should be assessed in resource consent proposal and that the legal test of a ‘discharge of a contaminant’ is not whether there are minimal environmental effects. It is likely that fracking could have been covered by Rule 44 under the Taranaki Regional Fresh Water Plan and indeed Taranaki Regional Council now uses Rule 44 to regulate fracking. By not regulating fracking prior to July 2011, the Taranaki Regional Council could have been in breach of s 84(1) of the RMA which requires every consent authority to observe and, to the extent of its authority, enforce their policy statement or plan.



The māori and scientific approach and outcomes could be used to report on the State of the Environment, to monitor and report on environmental and changes from a cultural perspective: tangata whenua values, provide natural resource and cultural inventories, assess and provide a snapshot of environmental and cultural health, highlight issues, and state necessary actions from recommendations.

The recommended changes should be linked with monitoring policies and rules associated with tangata whenua's participation and sustainable development goals, use of 'mauri' indicators, provide useful means for measuring the progress towards desired social, cultural economic, and environmental goals and outcomes. **It is important that the mauri values are incorporated with science-based framework in order for the aspirations of tangata whenua are clearly articulated and understood. It is also important to understand that tangata whenua will define sustainable development goals differently and to embrace these different value system and worldview as a way of enhancing our overall understanding of sustainability. We recommend that the words 'mauri values' to be included with Objective 5 to reflect this.**

Objective 5: Coastal water quality and mauri values

Water quality and mauri values in the coastal environment is maintained and enhanced.

Objective 11: Historic heritage

Objective 11 seek to protect historic heritage in the coastal environment from inappropriate use and development. The coastal areas of outstanding value contain values and attributes that is considered exceptional in terms of Ngati Ruanui's cultural heritage. These areas reflect our whakapapa, connection of our ancestors (past) to living descendants (present) and intergenerational principles. It symbolises the places where our tupuna established and settled their papakainga, gardens, burial and treasure grounds, walking and waka trails and landing points, battlegrounds, and others. Within these areas, they left their remains and memories which we consider as taonga, to be respected and protected for our future generations.

We argue that traditional approaches, reflected in existing Historic heritage section of regional and district plans, ignore elements integral to our perceptions of cultural heritage. We do not view most of the historic european sites (redoubts, heritage buildings, etc) as having any relevance to tāngata whenua. Our cultural heritage does not rest only on built-form but instead rests on the concepts surrounding our ancestry. **The Plan tends to focus on the historical, aesthetic, archaeological and architectural values of material 'tangible' culture.**

The values we attach to physical elements of cultural heritage is not related to the material world but rather to the place value created by our tupuna and associated through whakapapa and deeds of the past or present. Our values could also rest in symbolic places, for example, Whikitau (ancient fishing village along the coast), considered as part of our fishing heritage and the opportunity the area presents to commemorate those lost at sea. This indicates that places and material culture have historical, spiritual, social, traditional and cultural significance and can consequently be considered elements of cultural heritage.



ICOMOS New Zealand defines cultural heritage as *'that which is valued due to its historical, archaeological, architectural, technological, aesthetic, scientific, spiritual, social, traditional and other special cultural significance associated with human activity.'* Cultural heritage is something that can be inherited, which enables tangata whenua, the inheritors, to enter into their rightful state and be their true selves.

Cultural heritage is expressed through a number of different formats, primarily those that are tangible or form material culture and those that are intangible. UNESCO defines intangible cultural heritage as the *'practices, representations, expressions, knowledge, skills, as well as the instruments, objects, artefacts and cultural spaces associated therewith, that communities, groups, and in some cases, individuals recognise as part of their cultural heritage'*. Fundamentally intangible concepts such as myth, faith and legends. These myths are of considerable importance to our perceptions of cultural heritage, influence people's relationship with the site.

The manifestations of intangible cultural heritage also include oral tradition and expressions, performing arts, social practices, rituals and festive events, knowledge and practices concerning nature and the universe and traditional craftsmanship. In practice, cultural heritage is articulated through our waiata, pepeha, and whakatauākī, or symbolically represented by works of art (māori carvings, korowai³, underpinned by matauranga māori principles.

Only tangata whenua identifies our own cultural heritage and prioritises what should be preserved and how this should be achieved. Giving priority to tangata whenua's perceptions of cultural heritage ensures that associated values, symbolism, social practices and myth are recorded, promoted and therefore protected. We argue that this process of display not only encourages the continuation of traditions, beliefs and practices but also facilitates a wider understanding and therefore respect of cultural heritage values. In our view, aspects of the past to which tangata whenua attach importance have been overlooked or undervalued by the Plan. Given the above, we recommend that physical representation (tangible) and expressions (intangible) be valued for their cultural significance by including Cultural Heritage with Objective 11 of the Plan (recommended change is underlined below). This approach recognises that it can include all elements of life, not merely the built and material world.

As a matter of national importance, RMA policy and plans must address a number of key matters in order to protect cultural and historic heritage. This includes (but not limited to) identification of cultural places and sites of significance to tangata whenua (incorporating tangible and intangible cultural heritage), assessment of their values, regulatory controls, and mapping. We argue that the Plan and policy statements developed under the RMA should adopt 'cultural heritage' in accordance with Part 2 of the RMA. This is to ensure the appropriate integration of tangible and intangible matters with current historic heritage approach which is mainly weighted on 'the tangibles'.

Objective 11: Cultural and Historic Heritage

Cultural and Historic heritage in the coastal environment is protected from inappropriate use and development.

³Korowai is a cloak ornamented with black twisted tags or thrums.



Section 5: Policies

5.1.1 Management of the coastal environment

The CMA has been divided into five management areas which recognise that some areas have values, characteristics or uses that are more vulnerable or sensitive to the effects of some activities, or that have different management needs than other areas.

The five management areas include areas with outstanding values, estuaries modified, estuaries unmodified, the open coast and the port. Section 1.6 of the Plan acknowledges the significant association/relationship of mana whenua with the coastal environment. Therefore, **it is appropriate that the Plan's five management areas integrate the areas of cultural importance (refer to Ngati Ruanui's environmental issues under section 4 of the submission). This means that significant cultural areas (identified as coastal management areas, schedules and appendices) should be referred to applicable objectives, policies, and rules of the Plan.**

Schedule 5B of the Plan identifies known sites of significance to māori and their associated values. We are concerned that the Plan only refers to Schedule 5B in the overall acknowledgement of mana whenua's areas of cultural significance. This is compounded by the fact that Schedule 5B is only referred to in Policy 15 (b) as historic heritage and standards/terms/condition (b) of rule 54 (burial of dead animals). We reiterate that all of the areas of cultural significance to Ngati Ruanui do not only relate to our tupuna or the past (historic) or to burying dead animals!

We recommend that the Plan be amended to link our cultural areas of significance to both the past (historic) and present cultural areas and traditions.

Schedule 11 of the RMA refers to acts that include statutory acknowledgements (includes Ngati Ruanui Claims Settlement Act 2003). The Councils must consider statutory acknowledgements when making decisions on whom to involve in resource consents and hearings. Although Policies 1 and 16 and section 6.5 (historic heritage) of the Plan refer to the Council's obligation to 'give regard to' statutory acknowledgements (Appendix 2), the Plan does not implement these through the rules section of the Plan.

We recommend that objectives and policies associated with mana/tangata whenua be adequately integrated with the rules section of the Plan.

Our succeeding recommendations (includes the Rules section of the Plan) highlights the necessary amendments to ensure adequate integration of objectives and policies with the rules, implementation and monitoring sections of the Plan.



Policy 1: Coastal management areas

(a) Outstanding Value

Policy 1 (a) includes coastal areas of outstanding value identified in Schedule 1. These areas contain values and attributes considered exceptional based on their characteristics, including landforms, land cover, **cultural and historic heritage associations** and visual qualities. Based on the above and outcomes of our information gathering exercise to date, We recommend additional sites to be included with Schedule 1 (refer below).

We recommend that the Tangahoe - Hawera – Manutahi Reef system, Patea Beach and the Patea River Estuary, and Ohawe – Manawapou-Waihi Beaches be included with Schedule 1 (1) of the Plan. The Whenuakura River Estuary (already included with the Schedule) is also considered as an area of outstanding value to Ngati Ruanui.

(b) Estuaries Unmodified

Unmodified estuaries are estuaries that have not been significantly modified, are surrounded by minimal urban development and exist in generally unmodified environments. These estuaries have significantly different and more complex natural processes than the open coast. They provide important habitats for marine and bird life and, in many cases, have significant indigenous biodiversity value and high amenity value.

Besides providing important habitats for marine and bird life, and high amenity values, unmodified estuaries also has cultural associations with mana whenua. They contain significant indigenous biodiversity (referred to as taonga species contained in the Ngati Ruanui Claims Settlement Act 2003). Furthermore, for Ngati Ruanui, estuaries (modified or unmodified) are used as waka landing sites which form part of ancestral ‘waka’ routes. They also link ancient coastal/fishing villages, significant food gathering sites, and migration paths to indigenous species. We recommend that Policy 1 (a) reflect this (refer to bold and underlined words).

Policy 1: Coastal management areas

(b) Estuaries Unmodified: Estuaries, not identified in (a) or (c) of this policy, that are permanently open to tidal movements and characteristically:

- (i) provide a natural focal point for human activity but are generally not significantly modified and are surrounded by minimal urban development and unmodified environments;
- (ii) have significantly different and more complex natural processes than the open coast; and
- (iii) provide important habitats, migration paths, breeding areas and nursery areas for marine and bird life.
- (iv) **provide for taonga species, cultural and traditional associations and cultural heritage.**



Besides the Waingongoro River and Manawapou River Estuary (within Ngati Ruanui's rohe), we recommend that the following estuaries be included with Schedule 1 (2) of the Plan: Hauroto Stream, Waihi Stream, Katewheta Stream, Waikakai Stream, Mangaroa Stream, Kaikura Stream, Whenuakura River, and Manawapou River.

(c) Estuaries Modified

Policy 1 (c) of the Plan refers to the Pātea, Waiwhakaiho and Waitara estuaries as modified estuaries (modified by works and existing structures and surrounded by extensively modified environment) that are permanently open to tidal movements but also act as important habitats, indigenous biodiversity (referred to as taonga species under the Ngati Ruanui Claims Settlement Act 2003 and referred to in Schedule 4C of the Plan), migratory paths, breeding and nursery areas for marine and bird life.

As previously mentioned, estuaries (both modified and unmodified) have cultural significance to tangata whenua. We recommend that Policy 1 (c) of the Plan should articulate this (refer below for recommended amendment).

Policy 1: Coastal management areas

(c) Estuaries Modified: Pātea, Waiwhakaiho and Waitara estuaries that are permanently open to tidal movements and characteristically:

- (i) have been modified by flood protection works and placement of structures;
- (ii) are surrounded by urban, extensively modified environments;
- (iii) have significantly different and more complex natural processes than the open coast; and
- (iv) provide important habitats, migration paths, breeding areas and nursery areas for marine and bird life.
- (v) **provide for taonga species, cultural and traditional associations and cultural heritage.**

(d) Open Coast

The open coast includes areas of the CMA not covered by the other management areas. These areas contain significant sites and places, including sensitive benthic habitats, significant indigenous biodiversity (associated with taonga species under Ngati Ruanui Claims Settlement Act 2003 referred to in Schedule 4C of the Plan), reef systems that are valued by Māori for mahinga kai, and fisheries that are recreationally, culturally and commercially valuable.



Besides providing sources of mahinga kai, the open coast is also a source for medicine (rongoa) and is considered part of our cultural heritage. The coast contains our ancestral trail – waka ancestral routes and significant cultural events. We recommend that the cultural significance of the coast which includes taonga species (reflected in Schedule 4C to be included with the Plan) be included with Policy 1 (d) of the Plan (refer to bold and underlined words).

Policy 1: Coastal management areas

(d) Open Coast: Areas of the open coast not identified in (a), (b), (c) and (e) of this Policy that characteristically:

- (vi) are subject to a high energy westerly wave environment and the coastal land behind the foreshore is generally naturally eroding;
- (vii) include reef systems that provide habitat to marine life, and are valued by Māori for mahinga kai;
- (viii) include nationally and regionally important surf breaks identified in Schedule 7 (refer corresponding Policy 19); and
- (ix) contain fisheries that are recreationally, culturally and commercially valuable.
- (x) **provide for taonga species, cultural and traditional associations and cultural heritage.**

Overall, given the cultural relevance of the coastal management areas, we recommend that the rules and standards/terms/conditions section of the Plan which refers to activities affecting these areas, give reference to Schedules 1, 2, 4C (recommended additional schedule), 5B and Appendix 2. We emphasise this matter again under the rules section of the Plan.

We recommend that the rules section of the Plan give reference to adverse effects on Schedules 1, 2, 4C, and 5B and Appendix 2 (refers to mana/tangata whenua associated cultural areas of significance and taonga species).

Policy 2: Integrated management

Policy 2 (c) provides for the integrated management of the coastal environment by considering the effects of activities undertaken in the coastal marine area on land or waters held or managed under other statutes, and the purposes of those statutes, including marine areas with legal protection identified in Schedule 1 and statutory acknowledgements identified in Appendix 2.

Besides Policy 2, Policy 16 (c) and Section 6.5 of the Plan recognise and provide for the relationship of tangata whenua culture, values and traditions with the coastal environment by implementing the relevant legal requirements of Treaty settlements. **We emphasise that the TRC must have regard to statutory acknowledgements.**



Policy 9: Natural character and natural features and landscapes

Policy 9 seeks to protect all other areas of the coastal environment not identified in Schedule 2 by avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on natural character and features and landscapes by having regard to the extent to which the activity, and in particular, maintains the integrity of historic heritage. We recommend that the TRC include the word cultural with historic heritage (refer to bold and underlined words) to provide consistency as mentioned on our previous recommendations.

Policy 9: Natural character and natural features and landscapes

Protect all other areas of the coastal environment not identified in Schedule 2 by:

- (a) avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on natural character and natural features and landscapes by having regard to the extent to which the activity:
 - (vi) maintains the integrity of **cultural and** historic heritage...

Policy 11: Coastal water quality

Based on the discussion relating to Objective 5, we recommend that Policy 11 be amended for consistency (refer to bold and underlined words).

Policy 11: Coastal water quality and **mauri values**

Maintain and enhance coastal water quality and **mauri values** by avoiding, remedying and mitigating the adverse effects of activities on:

- (b) the **mauri or** life-supporting capacity of coastal water;
- (c) the mauri and wairua of coastal water;
- (d) the integrity and functioning of natural coastal processes; and
- (e) the ability of coastal water to provide for existing and anticipated future use by the community.

Policy 12: Restoration of coastal water quality

Policy 12 seeks to promote the restoration of coastal water quality where deterioration is having a significant adverse effect on ecosystems, natural habitats or water based recreational activities, or is restricting existing uses such as shellfish gathering and cultural activities, as identified in Schedule 3. We recommend that Policy 12 include the word 'mauri values' (refer to bold and underlined words) to provide consistency and to reflect a combined science and 'mauri-based approach.

Policy 12: Restoration of coastal water quality **and mauri values**



Policy 14: Indigenous biodiversity

Policy 14 seeks to protect areas of significant indigenous biodiversity in the coastal environment and to maintain and enhance indigenous biodiversity by avoiding adverse effect of activities on several aspects.

The Treaty of Waitangi has given effect to tangata whenua's governance arrangements on biodiversity management. The Waitangi Tribunal found that iwi and hapū are obliged to act as kaitiaki towards taonga in the environment such as land, natural features, waterways, wāhi tapu, pa sites and flora and fauna within their rohe (tribal areas). This means that current (resource management) laws and policies must support kaitiaki relationships to the degree required by the Treaty.

Ngati Ruanui Claims Settlement Act 2003 was lodged by Ngati Ruanui to claim our rights in respect of mātauranga Māori and indigenous flora and fauna, including intellectual property rights referring to taonga flora and fauna. Table 1 refers to taonga species in accordance with the Deed of Settlement between Ngati Ruanui and the Crown (Ngati Ruanui Claims Settlement Act 2003).

Maori Name	Common Name	Formal Name
Hapuka	Groper	<i>Polypio oxygenios</i>
Kaeo	Sea tulip	<i>Pyrua pachydermatum</i>
Kahawai	Sea trout	<i>Arripus trutta</i>
Kanae	Mullet	<i>Mugil cephalus</i>
Koeke	Common Shrimp	<i>Palaemon affinis</i>
Marari	Butterfish	<i>Odax pullus</i>
Moki	Blue moki	<i>Latridopsis ciliaris</i>
Paraki/Ngaiore	Common Smelt	<i>Retropinna retropinna</i>
Para	Frostfish	<i>Lepidopus caudatus</i>
Patiki mahoao	Black Flounder	<i>Rhombosolea retiaria</i>
Patiki rore	New Zealand sole	<i>Peltorhamphus novaezealandise</i>
Pakiti tore	Lemon sole	<i>Pelotretis flavilatus</i>
Patiki totara	Yellow belly flounder	<i>Rhombosolea leporina</i>
Patiki	Sand flounder	<i>Rhombosolea plebeia</i>
Patukituki	Rock cod	<i>Parapecis colias</i>
Pioke	Rig shark	<i>Galeorhinus galeus</i>
Reperepe	Elephant fish	<i>Callorhynchus milli</i>
Tuna heke	Eel – long finned	<i>Anguilla dieffenbachi</i>
Tuna roa	Eel –short finned	<i>Anguilla australis</i>
Wheke	Octopus	<i>Octopus maorum</i>
Koiro, ngoiro, totoke, hao, ngoio, ngoingoi, putu	Conger Eel	<i>Conger verreauxi</i>
Koura	Crayfish	<i>Jasus edwardsii</i>
Kaunga	Hermit Crab	<i>Pagurus novaeseelandiae</i>
Papaka parupatu	Mud Crab	<i>Helice sp.</i>



Papaka	Paddlecrab	<i>Ovalipes catharus</i>
Kotere, humenga	Sea anemoe	<i>Cnidaria group</i>
Rore, rori	Sea cucumber / sea snail	<i>Stichopus mollis</i>
Patangatanga, patangaroa, pekapeka	Starfish	Echinoderms
SHELLFISH		
Kina	Sea urchin	<i>Evechinus chloroticus</i>
Kuku / Kutae	Green lipped mussel	<i>Perna canaliculus/mytilus edulis</i>
Kuku / Kutae	Blue lipped mussel	<i>Perna canaliculus/mytilus edulis</i>
Paua	Paua – black foot (Abalone)	<i>Haliotis iris</i>
Paua	Paua – yellow foot	<i>Haliotis australis</i>
Pipi /kakahī	Pipi	<i>Paphies austral</i>
Pupu	Pupu	<i>Turbo smaragdus/zediloma spp</i>
Purimu	Surf clam	<i>Dosinia anus et al.</i>
Rori	Sea snail	<i>Scutus breviculus</i>
Tuangi	Cockle	<i>Austrovenus stutchburgi</i>
Tuatua	Tuatua	<i>Paphies subtriangulata, paphies donacina</i>
Waharoa	Horse mussel	<i>Atrina zelandica</i>
Waikaka	Mud snail	<i>Amphibola crenata, Turbo smaragus, Zedilom spp.</i>
Tio, Karauria, ngahiki, repe	Rock Oyster	<i>Crassostrea glomerata</i>
Tupa, kuakua, pure, tipa, tipai, kopa	Scallop	<i>Pecten novazelandiae</i>

Table 1: Taonga species includes with Ngāti Ruanui Claims Settlement Act 2003.

Policy 11b of the NZCPS seek to protect indigenous biological diversity in the coastal environment: avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes. **Policy 14 of the Plan reflect the traditional or cultural associations of indigenous biodiversity. However, the Plan does not reflect the governance arrangements on biodiversity management in accordance with the Treaty/Claims Settlement. We recommend that Policy 14 give reference to this (refer to underlined bold words).**

Policy 14: Indigenous biodiversity

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

- (f) avoiding adverse effects of activities on:
- (i) indigenous taxa that are nationally threatened or at risk, or regionally distinctive, including those identified in Schedule 4A;
 - (ii) taxa that are internationally threatened including those identified in Schedule 4A;
 - (iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare, as identified in Schedule 4A;



- (iv) **taonga species protected under Taranaki iwi Deed of Settlement, as identified in Schedule 4C;**
- (v) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
- (vi) areas containing nationally significant examples of indigenous community types; and
- (vii) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and ...

Policy 15: Historic heritage

Knowledge of cultural heritage meaning, value, and practice, is associated with places and are underpinned by matauranga māori principles. Matauranga is sustained and transmitted through oral, written, and physical forms determined by tangata whenua. One of Ngāti Ruanui's aspirations includes active protection of our cultural heritage and areas of high cultural values. Ngāti Ruanui believes that active protection involves little intervention³ as possible, to ensure its long-term survival and the continuation of its cultural heritage values.

Ngāti Ruanui considers that activities proposed to be undertaken on or within the surrounds of significant cultural places (most of the coastal environment) could have significant impact on the cultural heritage landscape of affected areas. Activities could also have off-site effects affecting adjoining coastal land or water. Ngāti Ruanui recommends a Cultural Cautionary Zone (act as a buffer) to be required between such places and proposed site. This zone would not prohibit all development but would consider the cultural significance of the area (based on factors determined by Ngāti Ruanui and the applicant) and required special care to be taken within this area, to ensure adequate protection for cultural values. Refer to spatial planning for further discussion on the Cultural Cautionary Zone.

Ngāti Ruanui is concerned and, at times, distressed by the difficulty of securing protection for a huge range of sites of great importance to us on grounds of historic, traditional or spiritual association. We particularly refer to Te Moananui A Kupe o Ngāti Ruanui (Coastal Area). Although this area is referred to in the Deed of Settlement between Ngāti Ruanui and the Crown, there is wealth of resources within which is considered as culturally significant. The coastal area is regarded as one of the main sources of mahinga kai and therefore, habitats of indigenous taonga species. Furthermore, it is symbolic of our cultural heritage, it has been the preferred travel pathway of our tupuna, both by waka or inland walking trails mostly following rivers and streams.

³Intervention should be the minimum necessary to ensure the retention of tangible and intangible values and the continuation of uses integral to those values. The removal of fabric or the alteration of features and spaces that have cultural heritage value should be avoided.



Significant historical and traditional events are confirmed by archaeological findings of māori association and oral information handed from generations by kaumatuas and referred to in waiata, pepeha, proverbs, etc. Historical traces of our tupuna such as ancient coastal papakainga or fishing villages, tuahu or waka landing sites and ancestral trails (walking pathways) provide proof of its cultural significance. **We recommend that Te Moananui A Kupe o Ngati Ruanui be included with Ngati Ruanui's sites of significance to Maori and associated values under Schedule 5B. Given the above, we believe that there is a high potential for undiscovered māori heritage within this area that warrants protection.**

By virtue of the Treaty principles, our role as kaitiaki and responsibilities under the RMA, activities affecting such places is therefore conditional on decisions made in association with Ngāti Ruanui, mana whenua of the affected areas, and should proceed only in this context. **We recommend that alongside the changes recommended on Objective 5, Policy 15 be amended to reflect and provide for the matters mentioned above (refer to underlined and bolded words below). Furthermore, it is appropriate that such an approach be reflected under the rules section. For instance, ensuring that structures closer than one kilometre move from Discretionary to Non-Complying Activities. Such an approach is currently implemented under rule 26.10.3 of the Waikato District Plan, Rule 26.10.3 which means that it is legally sound.**

Policy 15: Cultural and Historic heritage

Protect **cultural and** historic heritage in the coastal environment from inappropriate use and development by:

- (a) avoiding adverse effects on the values associated with Category A archaeological sites of significance and **cultural and** historic areas identified in Schedule 5A **and GIS map layer #**;
- (b) avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on the values associated with **cultural heritage** sites of significance to Māori identified in Schedules 5A and 5B and **GIS map layer #**;
- (c) avoiding, remedying or mitigating adverse effects on the values associated with all other **cultural and** historic heritage sites, including those identified in Schedule 5 **and GIS map layer #** and those identified by New Zealand Archaeological Association's ArchSite (Archaeological Site Recording Scheme) **and tangata whenua**;
- (d) when assessing adverse effects on **cultural and** historic heritage, giving regard to the extent of effects, including consideration of:
 - (i) the association of the site with other interrelated, but not necessarily contiguous, **cultural and** historic heritage sites and their collective significance in the context of historic landscapes and areas;
 - (ii) the degree to which **cultural and** historic heritage values will be lost, damaged, destroyed, or enhanced;
 - (iii) the nature, location, extent, design and appearance of the proposed development and the effects of these factors on **cultural and** historic heritage values;
 - (iv) **the location of the proposed development in terms of the Cultural Zone (buffer zone between the proposed development and the cultural and historic heritage sites) identified on GIS map layer # and the effects of its location on cultural heritage values;** (refer to section 6 methods of implementation for further discussion).



- (v) the classification given to the **cultural and** historic heritage, as set out in Schedule 5A and the reasons for which it has been scheduled;
- (vi) the extent to which the **cultural and** historic heritage has been damaged by natural events, weather, or environmental factors and any subsequent risk to public safety;
- (vii) **spatial planning considerations which involves (but not limited to) neighbouring rural nature, landscape, cultural history values and development-related interests; identification of conflicting activities that would impact on mana whenua issues, areas of interest and cultural significance.**
- (viii) the importance (if any) of land surrounding the **cultural and** historic heritage;
- (ix) the degree of compliance with Heritage New Zealand's Pohere Taonga Archaeological requirements;
- (x) any investigation and documentation of the site to provide a historical record; and
- (xi) the outcome of any consultation **including written approvals** with any relevant body or individual, such as Heritage New Zealand Pohere Taonga, the Department of Conservation, or local iwi and/or hapū; ... *(This should be reflected in the rules section of the Plan - notification of resource consent to mana/tangata whenua).*

Policy 16: Relationship of Tangata Whenua

Policy 16 seeks to recognise and provide for the relationship of tangata whenua culture, values and traditions with the coastal environment and take into account the principles of the Treaty of Waitangi, and kaitiakitanga. Policy 16 includes ways for tangata whenua to actively participate in the resource management process where decisions are being made on issues of significance to tangata whenua. **Overall, we recommend that Policy 16 should be integrated clearly with the rules section of the plan.**

Tangata whenua participation

Ngati Makino Heritage Trust v Bay of Plenty Regional Council [2014] NZEnvC 25 case law reiterates the need to 'articulate the recognition of māori values and to provide for māori participation in the management of resources. The Court accepted that tangata whenua involvement was necessary for determining cultural values and uses for the purposes of allocation and that policies and plans should accommodate this.

Another case relating to this refers to TV3 Network Services Ltd v Waikato District Council [1998] where the court did not dismiss the genuine relationship of māori with the environment and the legitimacy of metaphysical values inherent in tikanga māori. They do however, require decision-makers to consider how to provide for that relationship.

To provide for tangata whenua participation, we recommend that Policy 16 be amended to clearly articulate tangata whenua participation and to list existing formal relationships between tangata whenua and councils (include reference to agreement document). Besides Mana Whakahono a Rohe/Iwi Participation Arrangements, this includes (but not limited to) Transfer of Powers under section 33 of the RMA, Memoranda of Understanding, co-management agreements, specific consultation processes with tangata whenua, and details of agreement as determined in consultation with tangata whenua.



We recommend that Policy 16 be amended to clearly articulate tangata whenua participation and be integrated with the rules section of the Plan. The Plan should include a list of formal relationships between tangata whenua and councils and refer to any agreement document.

Statutory Acknowledgements

Policy 16 (c) of the Plan seeks to implement the relevant legal requirements of Treaty settlements, including representation on Council committees; and taking into account other aspects of Treaty settlements including, statements of association, protection principles and statutory acknowledgements. **We recommend that the words ‘taking into account’ be replaced with ‘have regard to’ (refer to underlined and bolded words below)** based on the matters discussed below.

Subpart 5 section 90 of Ngati Ruanui Claims Settlement Act 2003 states:⁴

From the effective date, and without limiting its obligations under Part 2 of the Resource Management Act 1991, a consent authority must have regard to the statutory acknowledgement relating to a statutory area in forming an opinion in accordance with sections 93 to 94C of that Act as to whether the governance entity is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on, the statutory area.

Statutory acknowledgements are statements in Treaty of Waitangi settlements between Crown and iwi that are intended to recognise the mana of tangata whenua groups in relation to identified sites and areas. They are acknowledgements by the Crown of the particular cultural, spiritual, historic, and traditional association of an iwi with each statutory site and area. They refer to Crown land, rivers, lakes, wetlands, a landscape feature, or a particular part of the coastal marine area.

A statutory acknowledgement will generally require authorities to forward summaries of all relevant resource consent applications to the relevant claimant group governance entity; have regard to a statutory acknowledgement in forming an opinion; attach a record of all statutory acknowledgement areas within the district or region to all policy statements, district and regional plans within the claimant area. Statutory acknowledgements can also be used in submissions to consent authorities, the Environment Court and the Historic Places Trust, as evidence of a specific claimant group's association with a statutory area.

⁴<http://www.legislation.govt.nz/act/public/2003/0020/latest/whole.html#DLM193365>



Decision-making in relation to Statutory Acknowledgements is subject to the provisions of Part 2 of the RMA: recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga under section 6(e); have particular regard to kaitiakitanga under section 7(a); take into account the principles of the Treaty of Waitangi under section 8. Therefore, the TRC should have regard to statutory acknowledged areas.

Active Protection Principles

The Environment Court has recognised the principle of the Treaty in terms of active protection in the case of *Beadle v Minister of Corrections & North-land RC (Environment Court, Auckland A74/02, 8 April 2002, Judge Sheppard)*. At para [671] the Court said:

The person making a decision on a designation requirement or resource consent application has to take into account the principle of the Treaty by which the Crown has an obligation of active protection of Maori property and taonga, which are not limited to physical and tangible resources but extends to spiritual and intrinsic values.

The Treaty obliges the Crown not only to recognise the Maori interests specified in the Treaty but actively to protect them... omission to provide that protection is as much a breach of the Treaty as a positive act that removes those rights.⁵

...the duty of the Crown is not merely passive but extends to active protection of Maori people in the use of their lands and waters to the fullest extent practicable.⁶

Another principle of active protection concerns the environment itself. The Treaty guarantees and imposes an obligation on the Crown to protect the taonga or resource from degradation, damage or destruction, and to safeguard environmental quality generally:

New Zealand has a heritage of indigenous species, in forests and wetlands, sea coasts and fisheries, held to be guaranteed as taonga by the... Treaty of Waitangi. To remain taonga their prime requirement must be to exist... extinction is irreversible.⁷

Based on the above matters, Policy 16 should be amended to ‘have regard’ to protection principles of the Treaty.

⁵Waitangi Tribunal Manukau Report 1985

⁶Cooke P, *Maori Council v. Attorney General* (1987) 1 NZLR 641

⁷Morton 1995 p 3



Cultural Impact Assessment: A Cultural Values Based Framework

Policy 16 (i) requires a resource consent application and plan change applications to provide a Cultural Impact Assessment (CIA) report where appropriate. The need for the CIA is indicated by mana whenua.

The CIA populates information into the Assessment of Environmental Effects in support of Schedule 4, Part 2, and Section 104 of the RMA. It outlines the effects of a proposed activity on tāngata whenua cultural values with the environment; identifies methods that can/may avoid, remedy or mitigate adverse effects on cultural values and relationship with the environment; suggests what conditions of consent could be applied if consent is granted.

Current planning practice simply refers to cultural values and 'engagement' (no consultation) as recognition to Part 2. To remedy this, the Plan should adequately refer to the importance and use of the information provided by the CIA and in particular the rules section of the Plan. The matters/values identified by mana whenua and proposed for protection in the CIA should be considered and do not push aside as irrelevant. We recommend that the Plan be amended to reflect this (cultural values-based framework). This will improve evaluative or technical assessment of effects on culturally significant areas and traditions and at the same time provide adequate integrations of the Plan objectives and policies with the rules. We refer to this on our succeeding submission under the rules section of the Plan.



Policy 16: Relationship of tangata whenua

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

- (a) taking into account any relevant iwi planning document;
- (b) taking into account any relevant memorandum of understanding between the Taranaki Regional Council and the iwi authority;
- (c) implementing the relevant legal requirements of Treaty settlements, including representation on Council committees; and **have regard to** ~~taking into account~~ other aspects of Treaty settlements including, statements of association, protection principles and statutory acknowledgements; (*refer to previous discussion relating to statutory acknowledgements*)
- (d) ~~responding to requests for Mana Whakahono a Rohe to enhance the opportunities for collaboration with iwi;~~ **provide for Mana Whakahono a Rohe, Transfer of Powers under section 33 of the RMA, Memoranda of Understanding, co-management agreements, specific consultation processes including details of agreement as determined in consultation with tangata whenua to enhance the opportunities for collaboration with iwi;**
- (e) providing for tikanga Māori and interpretation services for the use of Māori language in presenting evidence;
- (f) providing for marae-based pre-hearing meetings and hearings where appropriate;
- (g) providing for the appointment of a person with recognised expertise in tikanga Māori to any hearing committee where a resource consent application raises significant issues for tangata whenua;
- (h) recognising the importance of mātauranga Māori, customary, traditional and intergenerational knowledge;
- (i) requiring that resource consent applications, **notice of requirements** or plan change applications provide cultural impact assessments and/or archaeological assessments where **deemed appropriate by mana whenua or heritage authorities;**
- (j) **recognise the matters/values identified and proposed for protection by mana whenua in the cultural impact assessment;** and
- (k) involving tangata whenua in the development of consent conditions, compliance monitoring plans and/or enforcement procedures where appropriate.

Policy 18: Amenity values

The RMA include a definition of "amenity values".⁸

Amenity values mean those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and **cultural** and recreational attributes;

Schedule 1 and Appendix 2 refer to coastal areas of outstanding value and statutory acknowledged areas which both possess amenity values and cultural significance. We recommend that Policy 18 (a) be amended to include other schedules and appendix which refers to tangata whenua: Schedules 1 and 4C and Appendix 2.



Policy 18: Amenity values

Maintain and enhance significant amenity values by avoiding, remedying or mitigating adverse effects on:

- (a) coastal areas of outstanding value identified in **Schedules 1 and 2**;
- (b) coastal sites with significant amenity values identified in Schedule 6 including:
 - (i) beaches;
 - (ii) reefs; and
 - (iii) estuaries and river mouths;
- (c) surf breaks identified in Schedule 7; and
- (d) **cultural and** historic heritage sites including **those habitats with taonga species identified in Schedule 4C** and sites identified in Schedule 5 **and Appendix 2**.

5.2 Activity-based policies

This section contains policies specific to particular activities or uses in the coastal marine area. The policies provide direction for the use, development or protection of resources, and how the particular activities should be managed. The activity-based policies must be considered alongside the general policies and never in isolation.

We are concerned about the separation of the general and activity-based policies. In technical perspective, we understand the rationale behind this but in practice, consideration of both policies could cause confusion. Consequently, and in particular based on Ngati Ruanui's technical team's experience, resource consent applications do not provide adequate assessment of all relevant provisions (high likelihood of receiving incomplete applications). It is important that objectives and policies (both general and activity based) are adequately integrated with the rules section of the Plan.

The Government has ceased offering new offshore oil and gas exploration permits and restricted permitting. This decision signals a definitive move to transitioning away from fossil fuel extraction. Currently, the rules sections of the Plan classify exploration and appraisal drilling activities as a Permitted Activity. To ensure consistency with the government's decision, we recommend that such activities be classified as Discretionary Activity. We emphasize this further in the rules section of the Plan.

We recommend that the Plan be amended to reflect the government's decision to cease offering new offshore oil and gas exploration permits and restricted permitting.

The rules section of the Plan refers to the word 'minor' activities such as alterations, replace and removal. We recommend that the Plan provide more details with respect to the nature and scope of the word 'minor' to avoid confusion.

⁸ Section 2(1) of the RMA.



6 Methods of Implementation

State of the Environment Monitoring Programme

Section 6 provides for methods of implementation and in particular 6.1.4 requires to maintain a state of the environment monitoring programme to monitor the state, trends and pressures relating to the coastal environment and where possible, make this available in easily accessible electronic forms. Section 6.1.6 refers to the development and implementation of a monitoring, review and reporting programme to assess the effectiveness and efficiency of the Plan, including whether the objectives have been achieved.

We recommend that the state of the environment monitoring programme include the cultural state of the environment. This will confirm the effectivity of the TRC's objectives, policies and rules on tangata whenua and its on-the-ground outcome of custom and traditions in accordance with matauranga māori. This approach will inform and improve local and regional collaborative processes and enhance understanding of environmental health from a Māori perspective.

We recommend that the state of the environment monitoring programme include the cultural state of the environment.

Spatial Planning

As the marine area becomes more utilised, conflicts between activities are becoming more acute. Spatial planning is a rational and strategic approach which can be used to proactively plan for the future use of the coastal marine environment.

To provide security and assurance that Ngati Ruanui's areas of interest and areas of cultural significance are protected, we recommend that the TRC use spatial planning as a method of implementation. Spatial Planning could establish among other things:

- Planning considerations which involves neighbouring rural nature, landscape, cultural history values and development-related interests.
- **Identification of conflicting activities that would impact on mana whenua issues, areas of interest and cultural significance and incorporation of buffer zones (referred to as Cultural Cautionary Zone in Trustpower's wind farm consent application).**
- Consideration of Values-based frameworks. This type of framework identifies, organise, and describe key Māori values as a basis for guiding and determining natural and physical resource management and can be used to set limits and standards connected to Māori values.⁹

⁹ Ngā Matapono Ki Te Wai (TRONT 2013), Te Mana o te Wai (New Zealand Government 2014), Te Arawa Cultural Values Framework (TALT 2015), and Wai Ora Wai Māori (Awatere et al. 2015).



- Consideration on cultural assessment and mapping of customary management areas. These are tools that provide a framework for incorporating cultural perspectives, values, and interests into coastal management, contemporary resource management, and intergenerational planning. The application of Geographic information systems (GIS) in conjunction with māori knowledge to identify, record, classify, and map Māori values, significant sites, or special interest areas at accurate scales will improve the understanding and expression of place and māori values in planning. Spatial and temporal mapping and assessment, and indigenous approaches to using GIS are well documented (e.g., Harmsworth 1997, 1998, TRONT 2003, 2007, Robb et al. 2015) and can be used to support aspects of collaborative coastal management areas, such as modelling and scenario planning, and to identify priority cultural areas for management and restoration.

10 Monitoring and Review of the Plan

Cultural monitoring and assessment methods and tools utilising mātauranga Māori and western science have been developed in different parts of New Zealand to monitor progress toward goals and objectives of a Plan or compliance with consent conditions¹⁰.

We recommend that monitoring programmes referred to in the rules section of the Plan include cultural or mauri indicators/values to not only confirm compliance with consent conditions but also to determine the effectivity of the Plan in providing for tangata whenua's interest. Such an approach is consistent with Policy 2f of the New Zealand Coastal Policy Statement and Policy 16 (i) (b) of the Plan:

Policy 2f of the New Zealand Coastal Policy Statement

provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:

- i. bringing **cultural understanding to monitoring** of natural resources;*
- ii. providing appropriate **methods for the management, maintenance and protection of the taonga** of tangata whenua;*
- iii. having regard to regulations, rules or bylaws relating to **ensuring sustainability of fisheries resources** such as taiāpure, mahinga mātaītai or other non-commercial Māori customary fishing;*

Policy 16 (j) of the Proposed Coastal Plan for Taranaki

- b. **involves tangata whenua in the development of consent conditions, compliance monitoring plans and/or enforcement procedures where appropriate.***

¹⁰Harmsworth 2002, TRONT 2003, Townsend et al. 2004, Harmsworth and Tipa 2006, Tipa and Tierney 2006a, b, Jollands and Harmsworth 2007, Harmsworth et al. 2011, 2013, 2015, Harmsworth and Awatere 2013, Awatere and Harmsworth 2014, Robb et al. 2015.

1.1 Discharges

Our recommendations are **underlined and written in red bold font.**

Stormwater discharges

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Stormwater discharge into water or onto land in the coastal marine area that either:</p> <p>(a) does not convey stormwater from any industrial or trade premises, or</p> <p>(b) conveys stormwater from industrial or trade premises that:</p> <p>(i) cover a total area of 2 ha or less; and</p> <p>(ii) do not use or store hazardous substances.</p> <p><i>Note (1): Discharge of stormwater into a district council managed stormwater system is a discharge to land outside the CMA and an assessment for consent requirement should be made under the Freshwater Plan not this Rule.</i></p> <p><i>Note (2): If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 2 or Rule 3 depending on the coastal management area involved.</i></p>	1	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast	Permitted	<p>(a) the discharge does not cause any scouring or erosion beyond the point of discharge;</p> <p>(b) the discharge does not contain wastewater;</p> <p>(c) the discharge does not contain stormwater from the Port;</p> <p>(d) the discharge does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [significant species and ecosystems] and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</p> <p>(e) the discharge does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</p> <p>(f) the discharge does not have adverse effect on Schedules 1 and 2</p> <p>(g) the activity does not have any adverse effects on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2:</p> <p>(h) the discharge does not result in the production of conspicuous oil or grease films or result in change in colour or visual clarity within the receiving environment after reasonable mixing;</p> <p>(i) the discharge does not emit an objectionable odour;</p> <p>(j) the discharge does not adversely affect the suitability of the receiving water for customary use and bathing after reasonable mixing;</p> <p>(k) the discharge does not render marine organisms unsuitable for human consumption within recognised mātaītai reefs/resources;</p> <p>(l) there are no undesirable biological growths as a result of the discharge; and</p> <p>(m) the discharge does not cause the natural temperature to be changed by more than three degrees from normal seasonal water temperature fluctuations, after reasonable mixing.</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Stormwater discharge into water or onto land in the coastal marine area that does not come within or comply with Rule 1.</p> <p><i>Note (1): Discharge of stormwater into a district council managed stormwater system is a discharge to land outside the CMA and an assessment for consent requirement should be made under the Freshwater Plan not this Rule.</i></p> <p><i>Note (2): Discharge of stormwater from a district council managed stormwater network into water or onto land in the CMA that does not comply with Rule 1 requires a coastal permit under either this Rule or Rule 3 depending on the coastal management area involved.</i></p>	2	Open Coast Port	Discretionary	<p>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</p> <p>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) discharge is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based policies 22, 27
<p>Stormwater discharge into water or onto land in the coastal marine area that does not come within or comply with Rule 1.</p> <p><i>Note (1): Discharge of stormwater into a district council managed stormwater system is a discharge to land outside the CMA and an assessment for consent requirement should be made under the Freshwater Plan not this Rule.</i></p> <p><i>Note (2): Discharge of stormwater from a district council managed stormwater network into water or onto land in the CMA that does not comply with Rule 1 requires a coastal permit under either this Rule or Rule 2 depending on the coastal management area involved.</i></p>	3	Outstanding Value Estuaries Unmodified Estuaries Modified	Non-complying	<p>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</p> <p>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) discharge is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 22,27



Petroleum dispersant use

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Petroleum dispersant discharge into water or onto land in the coastal marine area in the event of a natural marine oil seep resulting from capital dredging.</p> <p><i>Note: Excludes dispersant use regulated by the Resource Management (Marine Pollution) Regulations 1998 (Appendix 5).</i></p>	4	Port	Permitted	<p>(a) discharge is of a petroleum dispersant approved for use in marine oil spills by Maritime New Zealand;</p> <p>(b) dispersant is applied at the rates and by the methods recommended by the manufacturer; and</p> <p>(c) Taranaki Regional Council is informed of dispersant use within 24 hours by entering details of the activity at www.trc.govt.nz/informcouncil.</p>		

Untreated human sewage discharges

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Untreated human sewage discharge into water or onto land in the coastal marine area;</p> <p>excluding sewage discharges regulated by the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5).</p>	5	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Prohibited			



Wastewater treatment plant discharges

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Continuation of existing wastewater discharge that contains treated human sewage, into water or onto land in the coastal marine area after its consent expires:</p> <p>excluding sewage discharges regulated by the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5).</p> <p><i>Note: At the time this Plan was drafted there were three existing lawfully authorised wastewater discharges containing treated human sewage, the New Plymouth discharge through the outfall at Waiwhakaiho, the Pātea discharge into the Pātea estuary and the Hāwera treatment plant discharge to the coastal outfall near Hāwera.</i></p>	6	Estuaries Modified Open Coast	Discretionary	<p>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment.</p> <p>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) discharge is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 And Activity-based Policies 22, 24, 26,
<p>New wastewater discharge that contains treated human sewage, into water or onto land in the coastal marine area:</p> <p>excluding sewage discharges regulated by the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5).</p> <p><i>Note: For a new wastewater discharge that does not contain human sewage refer to Rule 13.</i></p>	7	Open Coast	Discretionary	<p>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment.</p> <p>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) discharge is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 And Activity-based Policies 22, 25,

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>New wastewater discharge that contains treated human sewage, into water or onto land in the coastal marine area; excluding sewage discharges regulated by the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5).</p> <p><i>Note: For a new wastewater discharge that does not contain human sewage refer to either Rule 12 or Rule 13 depending on the Coastal Management Area involved.</i></p>	8	Outstanding Value Estuaries Unmodified Estuaries Modified Port	Prohibited			

Sampling and cleaning biofouling

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Sampling, scraping and/or cleaning of biofouling from the part of a ship, moveable object or navigation aid that is normally below the water surface, involving the discharge of a substance into water in the coastal marine area and any associated:</p> <p>(a) deposition on the foreshore or seabed.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 13.</i></p>	9	Port	Permitted	<p>(a) the anti-foul coating on the vessel has not exceeded its planned service life, as specified by the manufacturer, and the cleaning method is undertaken in accordance with the manufacturer's recommendations;</p> <p>(b) where the ship, moveable object or navigation aid has travelled outside of the Taranaki coastal marine area since it was last cleaned, the cleaning or treatment method captures any biological material greater than 50µm in diameter that is released into the water column and this material is disposed of on land; and</p> <p>(c) the Ministry for Primary Industries, or subsequent replacement Ministry, is advised immediately if a suspected invasive or non-indigenous aquatic species is encountered.</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Sampling, scraping and/or cleaning of biofouling from the part of a ship, movable object or navigation aid that is normally below the water surface, involving the discharge of a substance into water in the coastal marine area and any associated:</p> <p>(a) deposition on the foreshore or seabed.</p>	10	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p>	Non-complying	<p>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment:</p> <p>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) discharge is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	<p>General Policies</p> <p>1 to 21</p> <p>And</p> <p>Activity-based Policies</p> <p>22, 28</p>

Abrasive blasting discharges

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Abrasive blasting involving discharge of contaminants into water, into air or onto land in the coastal marine area and any associated:</p> <p>(a) deposition on the foreshore or seabed</p> <p>excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).</p>	11	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Discretionary	<p>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment:</p> <p>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) discharge is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	<p>General Policies</p> <p>1 to 21</p> <p>and</p> <p>Activity-based Policies</p> <p>22, 30, 39, 40, 41</p>



Seismic surveying and bathymetric testing

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Seismic surveying or bathymetric testing involving discharge of energy into water in the coastal marine area and any associated noise.</p> <p><i>Note: If the activity involves seismic surveying not covered by this Rule or does not meet the standards, terms and conditions in this Rule refer to Rule 13 or Rule 14 depending on the Coastal Management Area involved.</i></p>	12	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	<p><u>Permitted</u></p> <p><u>Discretionary</u></p>	<p>with regards to seismic testing:</p> <p>a) <u>survey complies with 2013 Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations or any subsequent applicable Code of Conduct; and</u></p> <p>b) <u>Taranaki Regional Council is informed of the activity at least five working days before commencement by entering details of the activity at www.trc.govt.nz/informcouncil</u></p> <p>with regards to bathymetric testing:</p> <p>e) <u>activity does not have an adverse effect on marine mammals-</u></p> <p>a) <u>discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>b) <u>discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>c) <u>discharge is consistent with iwi management plan.</u></p>	<p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	

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

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Discharge of water or contaminants into water or onto land in the coastal marine area and the discharge does not come within or comply with Rules 1 to 12, any other Rule in this Plan, <i>the Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5) or <i>the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009</i> (Appendix 6).	13	Open Coast Port	Discretionary	<p>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</p> <p>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) discharge is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 22 to 30
Discharge of water or contaminants into water or onto land in the coastal marine area and the discharge does not come within or comply with Rules 1 to 12, any other Rule in this Plan, <i>the Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5) or <i>the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009</i> (Appendix 6).	14	Outstanding Value Estuaries Unmodified Estuaries Modified	Non-complying	<p>(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</p> <p>(b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) discharge is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 22 to 30

Storage or transfer of cargo materials within the Port Air Zone

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Storage or transfer of cargo materials within the Port Air Zone involving discharge of contaminants to air. <i>Note (1): Map showing the Port Air Zone is included as Schedule 8.</i> <i>Note (2): If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 16.</i>	15	Port	Permitted	<p>(a) discharge does not result in offensive or objectionable odour or dust at or beyond the boundary of the Port Air Zone;</p> <p>(b) discharge does not result in noxious or toxic levels of airborne contaminants at or beyond the boundary of the Port Air Zone; and</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
				(c) discharge does not result in dangerous levels of airborne contaminants at or beyond the boundary of the Port Air Zone, including, but not limited to, any risk of fire or explosion.		
Storage or transfer of cargo materials within the Port Air Zone involving discharge of contaminants to air that does not come within or comply with Rule 15. <i>Note: Map showing the Port Air Zone is included as Schedule 8.</i>	16	Port	Discretionary			General Policies 1 to 21 and Activity-based Policies 22, 30

Other discharges to air not provided for in Rules 15 and 16

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Discharge of contaminants to air from any industrial or trade premises in the coastal marine area which is restricted by Section 15(1) of the RMA and which does not come within or comply with Rules 15 or 16 or any other Rule in this Plan including discharges covered by the Resource Management (Marine Pollution) Regulations 1998 (Appendix 5).	17	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Discretionary	(a) discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment; (b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan (c) discharge is consistent with iwi management plan.	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 20, 29, 30

Structures and occupation

Outfall structure placement

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Outfall structure placement and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 22 for a network utility structure or Rule 33 or Rule 34 for other outfalls depending on the coastal management area involved.</i></p>	18	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Permitted	<p>(e) structure has a maximum internal diameter of 150 mm and extends a maximum of 0.5 m seaward of the line of mean high water springs;</p> <p>(f) no erosion or scour results from placement of the structure;</p> <p>(g) the extent of disturbance of the foreshore and seabed is limited to the minimum required to undertake the activity;</p> <p>(h) structure is not placed in any Marine Reserve or Marine Protected Area;</p> <p>(i) the discharge <u>is not placed have an adverse effect on the values associated with within cultural and</u> historic heritage identified in Schedule 5 [Cultural and Historic heritage];</p> <p>(j) <u>the structure is not placed at any site identified in Schedule 5B [Sites of significance to Māori and associated values] and Appendix 2:</u></p> <p>(k) <u>structure does not have adverse effect on Schedules 1 and 2</u></p> <p>(l) <u>placement of the structure does not have an adverse effect the structure is not placed at any site with</u> any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; <u>taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</u> and</p> <p>(m) Taranaki Regional Council is informed of the activity at least one working day before commencement by entering details of the activity at www.trc.govt.nz/informcouncil</p>		

Mooring structure placement

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Mooring structure placement that does not require excavation of the foreshore or seabed and any associated:</p> <ul style="list-style-type: none"> (a) occupation of space in the common marine and coastal area; (b) disturbance of the foreshore or seabed; (c) deposition in, on or under the foreshore or seabed; and (d) discharge of sediment. <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 23.</i></p>	19	Port	Permitted	<ul style="list-style-type: none"> (a) mooring structure is placed, secured and maintained in accordance with the instructions of the Taranaki Regional Council Harbourmaster; (b) if the mooring structure is placed within the breakwaters, it is placed to secure a ship that is moored to a wharf or that is moored within an area that extends 400 m from the landward side of the Lee Breakwater; (c) placement of the mooring structure does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 [Historic heritage]; (d) placement of the mooring structure does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; and (e) at least one working day before placement, the Harbourmaster is notified that placement is to occur. 		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Mooring structure placement for monitoring or sampling equipment that does not require excavation of the foreshore or seabed and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment.</p> <p><i>Note (1): Iwi authorities that have requested to be informed of this activity will be advised by the Council.</i></p> <p><i>Note (2): If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 23, 33 or 34 depending on the coastal management area involved.</i></p>	20	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	<p>(a) Taranaki Regional Council is informed of the scale and location of the structure and the timing of construction and removal at least five working days before work commences by entering details of the activity at www.trc.govt.nz/informcouncil;</p> <p>(b) the <u>placement of the structure and discharge</u> does not have an adverse effect on the values associated with <u>cultural and historic heritage</u> identified in Schedule 5 [<u>Cultural and Historic heritage</u>];</p> <p>(c) <u>the placement of the structure and discharge does not have adverse effect on Schedules 1 and 2</u></p> <p>(d) <u>the activity does not occur at any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2.</u></p> <p>(e) the <u>placement of the structure and discharge</u> does not adversely affect the suitability of the receiving water for <u>customary use and</u> bathing after reasonable mixing;</p> <p>(e) placement of the structure <u>and discharge</u> does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; <u>taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</u> and</p> <p>(f) the mooring structure and the monitoring or sampling equipment does not occupy an area exceeding 5 m² of the coastal marine area.</p>		



Navigation aid erection or placement



Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Maritime navigation aid erection or placement that does not require excavation of the foreshore or seabed and any associated:</p> <p>(a) occupation of space (including renewal of occupation) in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment.</p> <p><i>Note (1): Iwi authorities that have requested to be informed of this activity will be advised by Council.</i></p> <p><i>Note (2): If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 33 or Rule 34 depending on the Coastal Management Area involved.</i></p>	21	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	<p>(d) structure does not interfere with the New Plymouth Airport Flight Path Protection Surfaces shown in Appendix 3;</p> <p>(e) the navigation aid does not occupy an area exceeding 5 m² of the coastal marine area;</p> <p>(f) Taranaki Regional Council is informed of the scale and location of the structure and the timing of construction and removal at least five working days before work commences by entering details of the activity at www.trc.govt.nz/informcouncil;</p> <p>(g) written notice detailing the scale and location of the structure and the timing of construction and removal is given at least five working days before work commences to:</p> <p>(i) Maritime New Zealand;</p> <p>(ii) Land Information New Zealand; and</p> <p>(iii) The Taranaki Regional Council Harbourmaster for Port Taranaki;</p> <p>(h) erection or placement of the navigation aid does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</p> <p>(i) erection or placement of the navigation aid does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</p> <p>(j) the placement of the navigation aid and discharge does not adversely affect the suitability of the receiving water for customary use;</p> <p>(k) placement of the structure does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; and taonga species protected under Taranaki Iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Network utility structure erection or placementActivity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference



<p>Network utility structure erection or placement where the structure is :</p> <p>(a) a pipeline that is buried or attached to a bridge or access structure;</p> <p>(b) an outfall structure which does not come within or comply with Rule 18;</p> <p>(c) an intake structure;</p> <p>(d) a communication or electricity cable that is buried or attached to a bridge, access structure or pole; or</p> <p>(e) marine communications equipment and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities)) Regulations 2009 (Appendix 6).</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 33 or Rule 34 depending on the coastal management area involved.</i></p>	22	<p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Controlled	<p>(a) no erosion or scour results from erection or placement of the structure;</p> <p>(b) erection or placement of the structure does not have an adverse effect on the values associated with <u>cultural and</u> historic heritage identified in Schedule 5 [<u>Cultural and</u> Historic heritage];</p> <p>(c) <u>erection or placement of the structure does not have adverse effect on Schedules 1 and 2</u></p> <p>(d) <u>the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</u></p> <p>(e) <u>does not adversely affect the suitability of the receiving water for customary use</u></p> <p>erection or placement of the structure does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; <u>and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</u> and</p> <p>(f) structure does not adversely affect access to or use of the area surrounding the structure.</p>	<p>Control is reserved over:</p> <p>(a) location, method, timing and notification of works;</p> <p>(b) design, construction, maintenance and decommissioning of structure;</p> <p>(c) effects on other authorised structures or activities;</p> <p>(d) sediment movement and erosion;</p> <p>(e) <u>effects on matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(f) effects on water quality <u>and mauri values;</u></p> <p>(g) effects on ecological values;</p> <p>(h) effects on historic, cultural and amenity values;</p> <p>(i) effects on surf breaks;</p> <p>(j) effects of occupation on public access;</p> <p>(k) effects on navigation;</p> <p>(l) effects of noise and light;</p> <p>(m) <u>consistent with iwi management plan.</u></p> <p>(n) monitoring (<u>including tangata whenua indicators referred to in the tangata whenua monitoring plan</u>) and information requirements;</p> <p>(o) duration of consent; and</p> <p>(p) review of consent conditions.</p> <p>(q) <u>Effects on Cultural Zone (referred to in Spatial Plan)</u></p> <p>Resource consent applications under this Rule will <u>not be publicly notified but may be limited notified.</u></p>	<p>General Policies</p> <p>1 to 21</p> <p>and</p> <p>Activity-based Policies</p> <p>22, 31, 32, 39, 40, 41, 42, 49</p>
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Port launching, mooring or berthing structure erection or placement in the Port

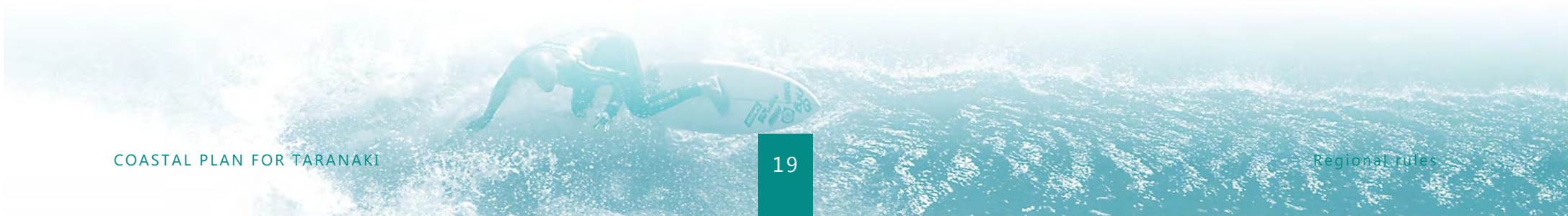
Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Launching, mooring or berthing structure erection or placement excluding:</p> <p>a) placement or erection of any structure seaward of the Main Breakwater or Lee Breakwater; or within 200 m perpendicular from mean high water springs of Ngāmotu Beach;</p> <p>(b) any structure with a horizontal projection of 50 m or more; and</p> <p>(c) any structure that interferes with the New Plymouth Airport Flight Path Protection Surfaces shown in Appendix 3</p> <p>and any associated:</p> <p>(a) occupation of space (including renewal of occupation) in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment</p> <p>and does not come within or comply with Rule 19 and 20.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 33.</i></p>	23	Port	Controlled	<p>(a) structure does not present a hazard to navigation and shipping;</p> <p>(b) structure does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 [Historic heritage]; and</p> <p>(c) structure does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems].</p>	<p>Control is reserved over:</p> <p>a) location, method, timing and notification of works;</p> <p>(b) design, construction, maintenance and methods available for decommissioning of structure;</p> <p>(c) effects on other authorised structures or activities;</p> <p>(d) sediment movement and erosion;</p> <p>(e) effects on water quality;</p> <p>(f) effects on ecological values;</p> <p>(g) effects on historic, cultural and amenity values;</p> <p>(h) effects of occupation on public access;</p> <p>(i) effects on navigation;</p> <p>(j) effects of noise and light;</p> <p>(k) monitoring and information requirements;</p> <p>(l) duration of consent; and</p> <p>(m) review of consent conditions.</p> <p>Resource consent applications under this Rule will not be publicly notified but may be limited notified.</p>	<p>General Policies 1 to 21 and Activity-based Policies 22, 31, 32, 39, 40, 41, 42, 49</p>

Structure used for whitebaiting

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Erection or placement of a structure used for whitebaiting.	24	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Prohibited			

Hard protection structure erection or placement

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Hard protection structure erection or placement for the purpose of erosion control and any associated: (a) occupation of space (including renewal of occupation) in the common marine and coastal area; (b) disturbance of the foreshore or seabed; (c) deposition in, on or under the foreshore or seabed; and (d) discharge of sediment.	25	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Discretionary	(a) placement of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment; (b) discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan (c) discharge is consistent with iwi management plan.	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 22, 31, 32, 33, 34, 35, 39, 40, 41, 42, 44, 45, 46, 49



Exploration or appraisal well drilling

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Exploration or appraisal well drilling by an offshore installation or drilling ship, or directional drilling by a land based drilling rig, and placement of a well structure in, on, under or over the foreshore or seabed and any associated:</p> <p>(a) repair, alteration, extension and abandonment of the well structure fixed in, on, under or over any foreshore or seabed;</p> <p>(b) occupation of space in the common marine and coastal area;</p> <p>(c) disturbance of the foreshore or seabed;</p> <p>(d) deposition in, on or under the foreshore or seabed;</p> <p>(e) discharge of contaminants into water, into, on or under the foreshore or seabed, or into air; and</p> <p>(f) taking of water and heat incidental to the drilling process;</p> <p>excluding discharges regulated by the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5).</p> <p><i>Note (1): Where the well head originates landward of the coastal marine area and enters the coastal marine area under the seabed only condition (f) will apply.</i> <i>Note(2): If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 27.</i></p>	26	Open Coast Port	Controlled Discretionary	<p>(a) drilling is not undertaken within 2,000 m of any site where drilling has occurred in the previous five years;</p> <p>(b) drilling is not undertaken directly into or within 1000 m of any sensitive marine benthic habitat identified in Schedule 4B or reef system;</p> <p>(c) drilling is not undertaken within any with historic heritage identified in Schedule 5 (Historic heritage);</p> <p>(d) drilling does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A (Significant species and ecosystems);</p> <p>(e) drilling is undertaken at least 2,000 m from the line of mean high water springs or at least 1,000 m from the boundary of coastal management area – Outstanding Value;</p> <p>(f) only water-based or synthetic-based drilling fluids and muds are used; and</p> <p>(g) activity complies with the general standards in Section 8.6 of this Plan.</p> <p>(a) <u>placement of structure and discharge does not adversely affect the cultural impact assessment;</u></p> <p>(b) <u>discharge complies with tangata whenua indicators referred</u></p> <p>(c) <u>discharge is consistent with iwi management plan.</u></p>	<p>Control is reserved over:</p> <p>(a) compliance with relevant legislation and regulations¹; managing well integrity and discharges (including relating to the management of hazardous substances), and provision of relevant supporting documentation²;</p> <p>(b) well integrity, maintenance and abandonment;</p> <p>(c) any incidental discharges;</p> <p>(d) location, method, timing and notification of works;</p> <p>(e) effects on other authorised structures or activities;</p> <p>(f) sediment movement and erosion;</p> <p>(g) effects on water quality;</p> <p>(h) effects on ecological values;</p> <p>(i) effects on historic, cultural and amenity values;</p> <p>(j) effects on surf breaks;</p> <p>(k) effects of occupation on public access;</p> <p>(l) effects on navigation;</p> <p>(m) effects of noise and light;</p> <p>(n) monitoring and information requirements;</p> <p>(o) duration of consent; and</p> <p>(p) review of consent conditions.</p>	<p>General Policies 1 to 21 and Activity-based Policies 22, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47, 49</p>

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
					<p>Resource consent applications under this Rule will not be publicly notified but may be limited notified.</p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	

¹ Current examples include:

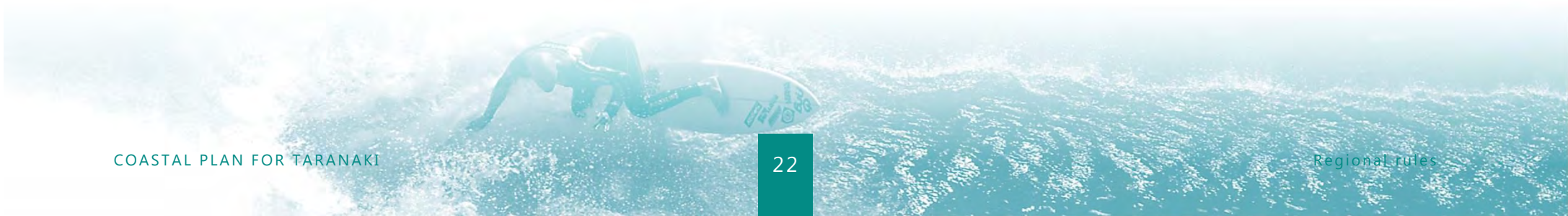
- Part 6 Well Operations provisions of the Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 2013 whereby there is considerable overlap between Health and Safety in Employment and environmental considerations.
- Maritime Transport Act 1994 and associated Marine Protection Rules
- Resource Management (Marine Pollution) Regulations 1998.

² Current examples include:

- Well examiners verification of the well examination scheme under Part 6 Well Operations provisions of the Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 2013
- Valid International Oil Pollution Prevention Certificate applicable to the offshore installation being used, as required under Part 200 of the Marine Protection Rules (note as above).
- Approved Discharge Management Plan as required under Part 200 of the Marine Protection Rules (soon to become Marine Oil Spill Contingency Plan under Part 131 of the Marine Protection Rules).



Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Exploration or appraisal well drilling by an offshore installation or drilling ship, or directional drilling by a land based drilling rig, and placement of a well structure in, on, under or over the foreshore or seabed</p> <p>and any associated:</p> <p>(a) repair, alteration, extension and abandonment of the well structure fixed in, on, under or over any foreshore or seabed;</p> <p>(b) temporary exclusive occupation of space in the common marine and coastal area;</p> <p>(c) disturbance of the foreshore or seabed;</p> <p>(d) deposition in, on or under the foreshore or seabed;</p> <p>(e) discharge of contaminants into water, into, on or under the foreshore or seabed, or into air; and</p> <p>(f) taking of water and heat incidental to the drilling process</p> <p>excluding discharges regulated by the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5) and does not come within or comply with Rule 26.</p>	27	Open Coast Port	Discretionary	<p>(a) exploration or appraisal well drilling does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment.</p> <p>(b) exploration or appraisal well drilling complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) exploration or appraisal well drilling is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	<p>General Policies 1 to 21 and Activity-based Policies 22, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47, 49</p>



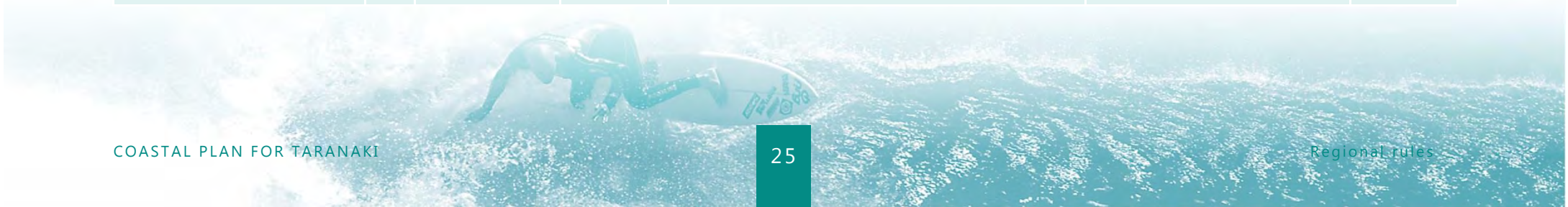
Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Exploration or appraisal well drilling by an offshore installation or drilling ship, or directional drilling by a land based drilling rig, and placement of a well structure in, on, under or over the foreshore or seabed</p> <p>and any associated:</p> <p>(a) repair, alteration, extension and abandonment of the well structure fixed in, on, under or over any foreshore or seabed;</p> <p>(b) temporary exclusive occupation of space in the common marine and coastal area;</p> <p>(c) disturbance of the foreshore or seabed;</p> <p>(d) deposition in, on or under the foreshore or seabed;</p> <p>(e) discharge of contaminants into water, into, on or under the foreshore or seabed, or into air; and</p> <p>(f) taking of water and heat incidental to the drilling process;</p> <p>excluding discharges regulated by the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5).</p>	28	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p>	Non-complying	<p>(a) exploration or appraisal well drilling does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment.</p> <p>(b) exploration or appraisal well drilling complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) exploration or appraisal well drilling is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	<p>General Policies</p> <p>1 to 21</p> <p>and</p> <p>Activity-based Policies</p> <p>22, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47, 49</p>



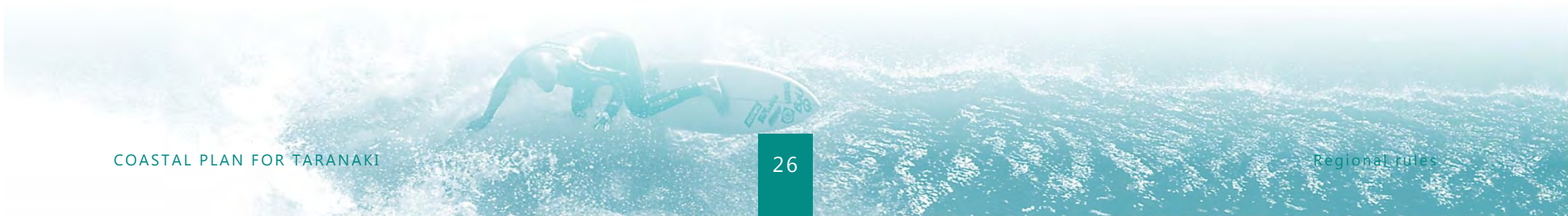
Petroleum production installation erection or placement

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Petroleum production installation erection or placement, including drilling of any production wells and placement of any pipelines, in, on, under or over the foreshore or seabed and any associated:</p> <p>(a) repair, alteration, extension, removal and abandonment of a well and other structures fixed in, on, under, or over any foreshore or seabed;</p> <p>(b) occupation of space in the common marine and coastal area by an offshore installation, pipeline or drilling ship;</p> <p>(c) disturbance of the foreshore or seabed;</p> <p>(d) deposition in, on or under the foreshore or seabed;</p> <p>(e) discharge of contaminants into water, into, on or under the foreshore or seabed, or into air; and</p> <p>(f) taking of water and heat incidental to the drilling process and the taking of heat and produced water;</p> <p>excluding discharges regulated by the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5).</p>	29	Open Coast Port	Discretionary	<p>(a) placement of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</p> <p>(b) placement of structure and discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) placement of structure and discharge is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 22, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47, 49

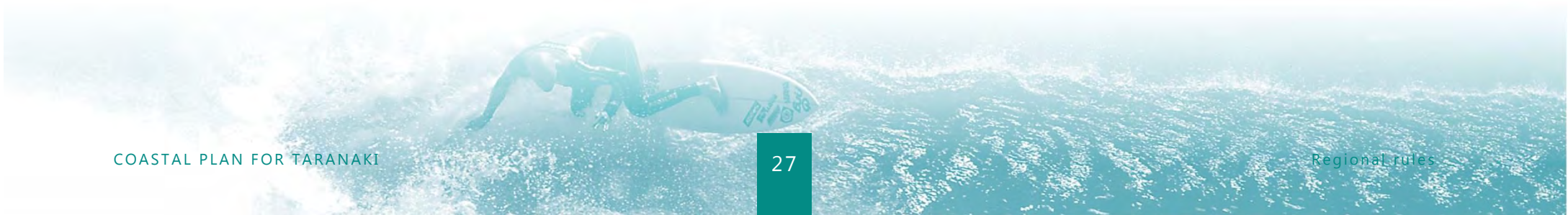
Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Petroleum production installation erection or placement including drilling of any production wells and placement of any pipelines, in, on, under or over the foreshore or seabed</p> <p>and any associated:</p> <p>(a) repair, alteration, extension, removal and abandonment of a well and other structures fixed in, on, under, or over any foreshore or seabed;</p> <p>(b) occupation of space in the common marine and coastal area by an offshore installation or drilling ship;</p> <p>(c) disturbance of the foreshore or seabed;</p> <p>(d) deposition in, on or under the foreshore or seabed;</p> <p>(e) discharge of contaminants into water, into, on or under the foreshore or seabed, or into air; and</p> <p>(f) taking of water and heat incidental to the drilling process and the taking of heat and produced water</p> <p>excluding discharges regulated by the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5).</p>	30	Outstanding Coastal Estuaries Unmodified Estuaries Modified	Non-complying	<p>(a) placement of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</p> <p>(b) placement of structure and discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) placement of structure and discharge is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 22, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 44, 47, 49



Temporary military training

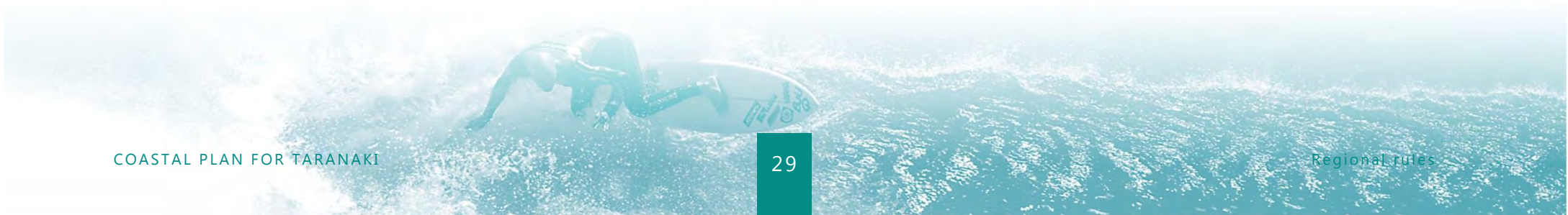


Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
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<p>Temporary military training activities that do not involve excavation or use of explosives, including placement of temporary structures and temporary exclusive occupation of the common marine and coastal area and any associated:</p> <ul style="list-style-type: none"> (a) noise; (b) disturbance of the foreshore or seabed; (c) deposition in, on or under the foreshore or seabed; and (d) discharge of sediment. <p><i>Note (1): Iwi authorities that have requested to be informed of this activity will be advised by Council.</i></p> <p><i>Note (2): If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 32.</i></p>	31	<p>Estuaries Unmodified Estuaries Modified Open Coast Port</p>	Permitted	<ul style="list-style-type: none"> (a) occupation is for a period of no more than three consecutive weeks; (b) activity does not involve construction of permanent structures; (c) Taranaki Regional Council is informed of the activity at least five working days prior to commencement by entering details of the activity at www.trc.govt.nz/informcouncil; (d) written notice is given to the adjacent territorial authority at least five working days prior to the activity commencing; (e) signs are located at the site of the activity notifying the public of the details of the activity, any restrictions imposed on the use of the area and contact information of the organiser at least seven working days prior to the activity commencing; (f) the details of the activity, along with any restrictions imposed on the use of the area, are published in a newspaper circulating in the entire area likely to be affected by the activity at least 14 working days prior to the activity commencing; (g) activity complies with the general standards specified in Section 8.6 of this Plan; (h) activity does not exclude, or effectively exclude, public access from areas of the coastal marine area over 10 ha or from more than 320 m along the length of the foreshore; (i) activity does not hinder the operation requirements of emergency services including the coastguard, police and surf lifesaving; (j) activity does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage]; (k) activity and discharge does not have adverse effect on Schedules 1 and 2 (l) activity and discharge does not adversely affect the suitability of the receiving water for customary use (m) the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2: <p>activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant indigenous biodiversity] and taonga species protected under Taranaki iwi Deed of Settlement including</p>		
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Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
				those identified in Schedule 4C (Taonga species and habitat)		



<p>Temporary military training involving placement of temporary structures and temporary exclusive occupation of the common marine and coastal area and any associated</p> <p>(a) noise;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment</p> <p>and does not come within or comply with Rule 31.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 32 or Rule 33 depending on the coastal management area involved.</i></p>	32	<p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Controlled	<p>(b) activity does not exclude, or effectively exclude, public access from areas of the coastal marine area over 10 ha or from more than 320 m along the length of the foreshore;</p> <p>(c) activity does not have an adverse effect on the values associated with <u>cultural and</u> historic heritage identified in Schedule 5 [<u>Cultural and</u> Historic heritage];</p> <p>(d) <u>the discharge does not have adverse effect on Schedules 1 and 2</u></p> <p>(e) <u>the discharge does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2:</u></p> <p>activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems], <u>and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</u></p> <p>(f) <u>the discharge does not adversely affect the suitability of the receiving area for customary use</u></p> <p>(g) <u>discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(h) <u>discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(i) <u>discharge is consistent with iwi management plan.</u></p>	<p>Control is reserved over:</p> <p>(a) location, method, timing and notification of works;</p> <p>(b) design, construction and decommissioning of structures;</p> <p>(c) effects on other authorised structures or activities;</p> <p>(d) sediment movement and erosion;</p> <p>(e) effects on water quality <u>and mauri values;</u></p> <p>(f) effects on ecological values;</p> <p>(g) effects on historic, cultural and amenity values;</p> <p>(h) effects on amenity values;</p> <p>(i) effects on surf breaks;</p> <p>(j) effects of occupation on public access;</p> <p>(k) effects on navigation;</p> <p>(l) effects of noise and light;</p> <p>(m) <u>effects on Cultural Zone (referred to in Spatial Plan)</u></p> <p>(n) monitoring (<u>including tangata whenua indicators referred to in the tangata whenua monitoring plan</u>) and information requirements;</p> <p>(o) duration of consent; and</p> <p>(p) review of consent conditions.</p> <p>Resource consent applications under this Rule will not be publicly notified but may be limited notified.</p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	<p>General Policies</p> <p>1 to 21</p> <p>and</p> <p>Activity-based Policies</p> <p>22, 28, 30, 31, 32, 38, 39, 40, 41, 42, 47, 49</p>
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Other structure erection or placement not provided for in Rules 18 to 32

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Structure erection or placement and any associated: (a) occupation of space in the common marine and coastal area and does not come within or comply with Rules 18 to 32, or any other Rule in this Plan or <i>the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009</i> (Appendix 6).	33	Estuaries Modified Open Coast Port	Discretionary	<p>(a) placement of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment:</p> <p>(b) placement of structure and discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) placement of structure and discharge is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 31, 32, 33, 34, 35, 39, 49
Structure erection or placement and any associated: (a) occupation of space in the common marine and coastal area and does not come within or comply with Rules 18 to 32, any other Rule in this Plan or <i>the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009</i> (Appendix 6).	34	Outstanding Value Estuaries Unmodified	Non-complying	<p>(a) placement of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment:</p> <p>(b) placement of structure and discharge complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) placement of structure and discharge is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 31, 32, 33, 34, 35, 39, 49

Structure maintenance, repair or minor alteration

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Existing lawfully established structure maintenance, repair or minor alteration and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment</p> <p>excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).</p>	35	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p>	Permitted	<p>(a) size of the structure, including length, width and height, does not increase beyond original size (except for existing communications cables or electricity transmission lines where these activities do not result in an increase in the design voltage and the new or altered cables or lines are not lower in height above the foreshore or seabed);</p> <p>(b) materials used match the existing materials in form and appearance;</p> <p>(c) the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2:</p> <p>(d) the activity does not have adverse effect on Schedules 1 and 2</p> <p>(e) for structures and culturally significant areas identified in Schedule 5 [Cultural and Historic heritage]:</p> <p>(i) there are no changes to the existing surface treatment of fabric, painting of any previously unpainted surface, or the rendering of any previously un-rendered surface;</p> <p>(ii) there are no changes to the design, texture, or form of the fabric; and</p> <p>(iii) there is no abrasive or high-pressure cleaning method, such as sand or water blasting, used;</p> <p>(f) after reasonable mixing any discharge does not give rise to:</p> <p>(i) any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;</p> <p>(ii) any conspicuous change of colour or visual clarity; or</p> <p>(iii) any emission of objectionable odour;</p> <p>(g) the extent of disturbance of the foreshore and seabed is limited to the minimum required to undertake the activity: and does not adversely affect continued customary use within the area;</p> <p>(h) activity complies with general standards in Section 8.6;</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
				<p>activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat] and</p> <p>(i) Taranaki Regional Council is informed of the activity at least five working days before commencement by entering details of the activity at www.trc.govt.nz/informcouncil.</p>		

Hard protection structure repair, alteration, extension or removal and replacement

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Existing lawfully established hard protection structure repair, alteration, extension or removal and replacement and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment</p> <p>and does not come within or comply with Rules 35 and 38.</p>	36	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Discretionary	<p>(a) repair, alteration, extension or removal of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</p> <p>(b) repair, alteration, extension or removal of structure and discharge comply with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) repair, alteration, extension or removal of structure and discharge is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	<p>General Policies</p> <p>1 to 21</p> <p>and</p> <p>Activity-based Policies</p> <p>22, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 49</p>



Network utility structure repair, alteration or extension

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Lawfully established network utility structure repair, alteration or extension where the structure is:</p> <p>(a) a pipeline that is buried or attached to a bridge or access structure;</p> <p>(b) an outfall structure;</p> <p>(c) an intake structure;</p> <p>(d) a communication or electricity cable that is buried or attached to a bridge or access structure; or</p> <p>(e) marine communications equipment excluding:</p> <p>(a) any structure seaward of the Main Breakwater or Lee Breakwater in coastal management area - Port and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment</p> <p>and does not come within or comply with Rule 35</p> <p>excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities)) Regulations 2009 (Appendix 6).</p>	37	Estuaries Unmodified Estuaries Modified Open Coast Port	Controlled	<p>(a) structure is necessary to enable the safe and efficient conduct of utility operations;</p> <p>(b) no erosion or scour results from the structure;</p> <p>(c) the activity does not have an adverse effect on the values associated with <u>cultural and</u> historic heritage identified in Schedule 5 [<u>Cultural and</u> Historic heritage];</p> <p>(d) <u>the activity does not have adverse effect on Schedules 1 and 2</u></p> <p>(e) <u>the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values];</u></p> <p>structure does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems] <u>and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</u></p> <p>(f) <u>activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(g) <u>activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(h) <u>activity is consistent with iwi management plan.</u></p>	<p>Control is reserved over:</p> <p>(a) location, method, timing and notification of works;</p> <p>(b) design, construction, maintenance and decommissioning of structure;</p> <p>(c) effects on other authorised structures or activities;</p> <p>(d) sediment movement and erosion;</p> <p>(e) effects on water quality <u>and mauri values;</u></p> <p>(f) effects on ecological values;</p> <p>(g) effects on historic, cultural and amenity values;</p> <p>(h) effects on surf breaks;</p> <p>(i) effects of occupation on public access;</p> <p>(j) effects on navigation;</p> <p>(k) effects of noise and light;</p> <p>(l) <u>effects on Cultural Zone (referred to in Spatial Plan)</u></p> <p>(m) monitoring (<u>including tangata whenua indicators referred to in the tangata whenua monitoring plan</u>) and information requirements;</p> <p>(n) duration of consent; and</p> <p>(o) review of consent conditions.</p> <p>Resource consent applications under this Rule will not be publicly notified but may be limited notified.</p>	<p>General Policies 1 to 21 and Activity-based Policies 22, 31, 32, 36, 37, 39, 40, 41, 42, 44, 49</p>

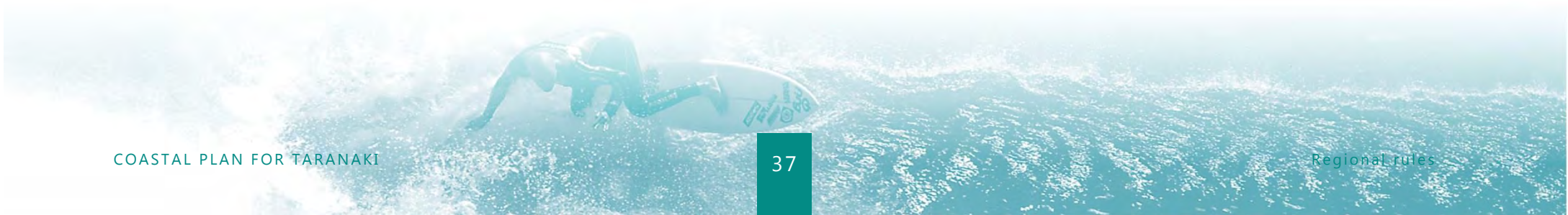
Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 42 or Rule 43 depending on the coastal management area involved.</i></p>					<p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	



Structure removal and replacement



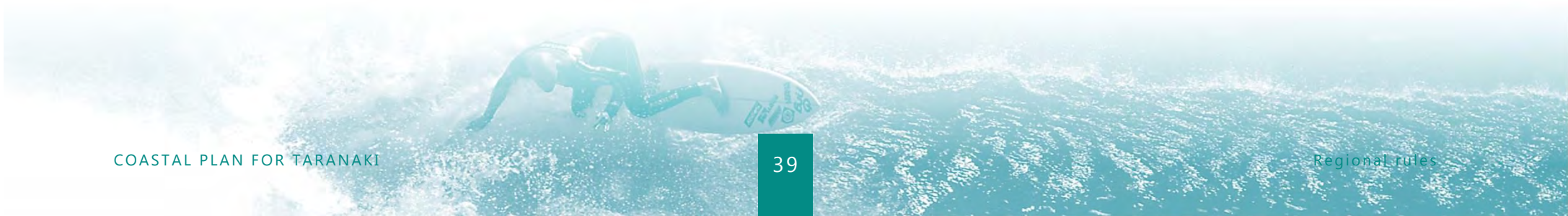
Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
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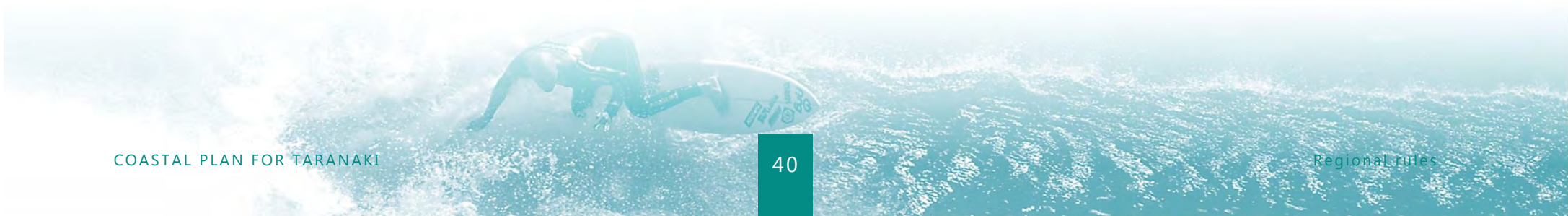
<p>Existing lawfully established structure removal and replacement excluding:</p> <p>(a) Waitara and Pātea River control arms;</p> <p>(b) Main Breakwater or Lee Breakwater;</p> <p>(c) petroleum production installations and pipelines;</p> <p>(d) hard protection structures; and</p> <p>(e) bridges</p> <p>and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment</p> <p>excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).</p> <p><i>Note (1): Iwi authorities that have requested to be informed of this activity will be advised by the Council.</i></p> <p><i>Note (2): For hard protection structures refer to Rule 36.</i></p>	38	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Permitted	<p>(a) the replacement structure has a functional need or operational requirement to be located in the coastal marine area;</p> <p>(b) the activity does not require the use of explosives;</p> <p>(c) the extent of disturbance of the foreshore and seabed is limited to the minimum required to undertake the activity;</p> <p>(d) replacement structure maintains the form of the original structure with no increase in length, width or height, or increase in adverse effects;</p> <p>(e) materials used match the existing materials in form and appearance and have comparable effects;</p> <p>(f) the replacement structure is built in the same location as the original structure;</p> <p>(g) the existing structure is removed completely with no waste being placed into the coastal marine area;</p> <p>(h) activity complies with the general standards in Section 8.6;</p> <p>(i) structure is not located within cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage]; or any other archaeological site;</p> <p>(j) <u>structure is not located within Schedules 1 and 2</u></p> <p>(k) <u>structure does not adversely affect the suitability of the receiving area for customary use</u></p> <p>(l) <u>structure is not located within any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2.</u></p> <p>(m) structure is not located at any site identified in Schedules 5 [Sites of geological significance];</p> <p>activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; <u>and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</u></p> <p>(n) Taranaki Regional Council is informed of the activity at least five working days before commencement by entering details of the activity at www.trc.govt.nz/informcouncil.</p>		
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Port wharves or breakwaters and attached structures, maintenance, repair or alteration

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Existing lawfully established structure maintenance, repair or alteration where the activity relates to that part of the wharves or breakwaters that is normally above the water surface including any attached structures, and relates directly to port company operations and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) deposition in, on or under the foreshore or seabed; and</p> <p>(c) discharge of contaminants</p> <p>and does not come within or comply with Rule 35.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 40.</i></p>	39	Port	Permitted	<p>(a) size of the structure does not increase beyond original size;</p> <p>(b) activity complies with the general standards of Section 8.6;</p> <p>(c) after reasonable mixing any discharge does not give rise to:</p> <p>(i) any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;</p> <p>(ii) any conspicuous change of colour or visual clarity; or</p> <p>(iii) any emission of objectionable odour;</p> <p>(d) activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; and</p> <p>(e) Taranaki Regional Council is informed of the activity at least five working days before commencement by entering details of the activity at www.trc.govt.nz/informcouncil.</p>		



Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Existing lawfully established structure maintenance, repair or alteration where the activity relates to that part of the wharves or breakwaters that is normally above the water surface including any attached structures and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of contaminants</p> <p>and activity does not come within or comply with Rule 39.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 42.</i></p>	40	Port	Controlled	<p>(a) size of the structure does not increase beyond original size; and</p> <p>(b) activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems].</p>	<p>Control is reserved over:</p> <p>(a) location, method, timing and notification of works;</p> <p>(b) design, construction, maintenance and decommissioning of structure;</p> <p>(c) effects on other authorised structures or activities;</p> <p>(d) effects on water quality;</p> <p>(e) effects on ecological values;</p> <p>(f) effects on historic, cultural and amenity values;</p> <p>(g) effects of occupation on public access;</p> <p>(h) effects on navigation;</p> <p>(i) effects of noise and light;</p> <p>(j) monitoring and information requirements;</p> <p>(k) duration of consent; and</p> <p>(l) review of consent conditions.</p> <p>Resource consent applications under this Rule will not be publicly notified but may be limited notified.</p>	<p>General Policies 1 to 21 and Activity-based Policies 22, 31, 36, 37, 39, 40, 41, 42, 44, 49</p>

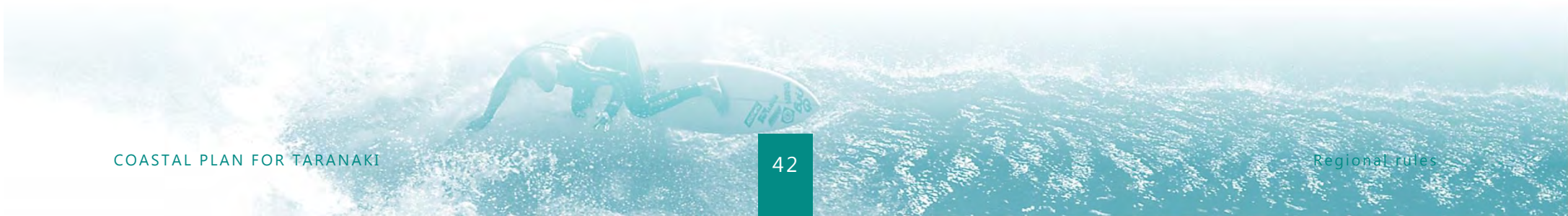


Port launching mooring or berthing structure repair, alteration or extension

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Existing lawfully established launching, mooring or berthing structure repair, alteration or extension excluding:</p> <p>(a) any seaward extension of the Main Breakwater or Lee Breakwater;</p> <p>(b) extension of any structure seaward of the Main Breakwater or Lee Breakwater; or within 200 m perpendicular from mean high water springs of Ngāmotu Beach;</p> <p>(c) extension of any structure 50 m or more in a horizontal projection; and</p> <p>(d) any structure that interferes with the New Plymouth Airport Flight Path Protection Surfaces shown in Appendix 3</p> <p>and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment</p> <p>and activity does not come within or comply with Rules 36, 37, 38, 39 or 40.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 42.</i></p>	41	Port	Controlled	<p>(a) activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant indigenous biodiversity];</p> <p>(b) structure does not have an adverse effect on the values associated with historic heritage identified in Schedule 5 [Historic heritage]; and</p> <p>(c) structure, when completed, does not prevent reasonable navigation between any existing launching, mooring or berthing facility and the Port entrance.</p>	<p>Control is reserved over:</p> <p>(a) location, method, timing and notification of works;</p> <p>(b) design, construction, maintenance and decommissioning of structure;</p> <p>(c) effects on other authorised structures or activities;</p> <p>(d) sediment movement and erosion;</p> <p>(e) effects on water quality;</p> <p>(f) effects on ecological values;</p> <p>(g) effects on historic, cultural and amenity values;</p> <p>(h) effects on surf breaks;</p> <p>(i) effects of occupation on public access;</p> <p>(j) effects on navigation;</p> <p>(k) effects of noise and light;</p> <p>(l) monitoring and information requirements;</p> <p>(m) duration of consent; and</p> <p>(n) review of consent conditions.</p> <p>Resource consent applications under this Rule will not be publicly notified but may be limited notified.</p>	<p>General Policies 1 to 21 and Activity-based Policies 22, 31, 36, 37, 39, 40, 41, 42, 44, 49</p>

Other structure repair, alteration, extension or removal and replacement that is not provided for in Rules 35 to 41

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Structure repair, alteration, extension or removal and replacement and any related occupation of the common marine and coastal area and the activity or structure does not come within or comply with any of Rules 35 to 41 or <i>the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009</i> (Appendix 6).	42	Estuaries Modified Open Coast Port	Discretionary	(a) repair, alteration, extension or removal of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment; (b) repair, alteration, extension or removal of structure and discharge comply with tangata whenua indicators referred to in the tangata whenua monitoring plan (c) repair, alteration, extension or removal of structure and discharge is consistent with iwi management plan.	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 36, 37, 38
Structure repair, alteration, extension or removal and replacement and any related occupation of the common marine and coastal area and the activity or structure does not come within or comply with any of Rules 35 to 41 or <i>the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 1998</i> (Appendix 5).	43	Outstanding Value Estuaries Unmodified	Non-complying	(a) repair, alteration, extension or removal of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment; (b) repair, alteration, extension or removal of structure and discharge comply with tangata whenua indicators referred to in the tangata whenua monitoring plan (c) repair, alteration, extension or removal of structure and discharge is consistent with iwi management plan.	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 36, 37, 38

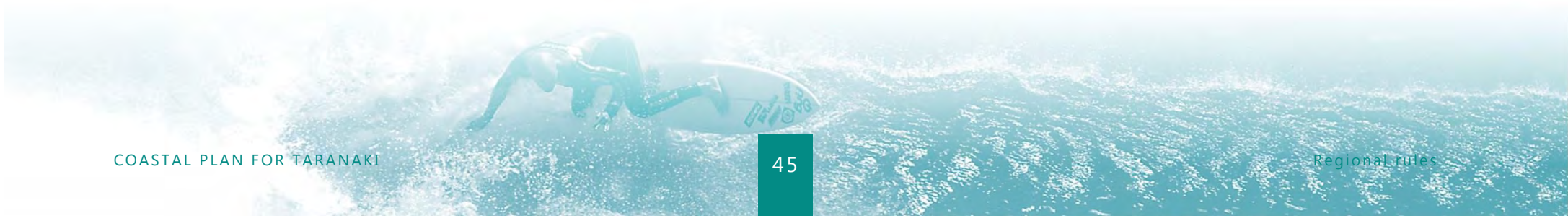


Structure removal or demolition

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Structure removal or demolition that does not involve the use of explosives, excluding:</p> <p>(a) Waitara and Pātea river control arms;</p> <p>(b) Main Breakwater or Lee Breakwater;</p> <p>(c) petroleum production installations and pipelines;</p> <p>(d) hard protection structures; and</p> <p>(e) bridges</p> <p>and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of sediment</p> <p>excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 45.</i></p>	44	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	<p>(a) the extent of disturbance of the foreshore and seabed is limited to the minimum required to undertake the activity;</p> <p>(b) the structure is removed completely with no waste being placed into the coastal marine area;</p> <p>(c) removal or demolition of structure does not significantly affect sediment movement or lead to increased erosion or scour;</p> <p>(d) activity complies with the general standards in Section 8.6;</p> <p>(e) activity is not located within any cultural and historic heritage sites identified in Schedule 5 [Cultural and Historic heritage] or any other archaeological site;</p> <p>(f) activity is not located within Schedules 1 and 2</p> <p>(g) the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</p> <p>(h) activity does not adversely affect the suitability of the receiving environment for customary use</p> <p>activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat] and</p> <p>(i) Taranaki Regional Council is informed of the activity at least five working days before commencement by entering details of the activity at www.trc.govt.nz/informcouncil.</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Structure removal or demolition excluding:</p> <p>(a) Waitara and Pātea River control arms;</p> <p>(b) Main Breakwater or Lee Breakwater; and</p> <p>(c) petroleum production installations and pipelines;</p> <p>and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance of the foreshore or seabed;</p> <p>(c) deposition in, on or under the foreshore or seabed; and</p> <p>(d) discharge of contaminants</p> <p>and the activity does not come within or comply with Rule 45 or <i>the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 1998</i> (Appendix 5).</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 46.</i></p>	45	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Controlled	<p>(a) activity is not located within any <u>cultural and</u> historic heritage sites identified in Schedule 5 [<u>Cultural and</u> Historic heritage]] or any other archaeological site;</p> <p>(b) <u>activity is not located within Schedules 1 and 2</u></p> <p>(c) <u>activity does not adversely affect the suitability of the receiving environment for customary use</u> <u>activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]; and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</u></p> <p>(d) <u>the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</u></p> <p>(e) <u>activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(f) <u>activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(g) <u>activity is consistent with iwi management plan.</u></p>	<p>Control is reserved over:</p> <p>(a) location, method, timing and notification of works;</p> <p>(b) effects on other authorised structures or activities;</p> <p>(c) sediment movement and erosion;</p> <p>(d) effects on water quality <u>and mauri values;</u></p> <p>(e) effects on ecological values;</p> <p>(f) effects on historic, cultural and amenity values;</p> <p>(g) effects on surf breaks;</p> <p>(h) effects of occupation on public access;</p> <p>(i) effects on navigation;</p> <p>(j) effects of noise and light;</p> <p>(k) <u>effects on Cultural Zone (referred to in Spatial Plan)</u></p> <p>(l) monitoring (<u>including tangata whenua indicators referred to in the tangata whenua monitoring plan</u>) and information requirements;</p> <p>(m) duration of consent; and</p> <p>(n) review of consent conditions.</p> <p><u>Resource consent applications under this Rule will not be publicly notified but may be limited notified.</u></p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	<p>General Policies 1 to 21 and Activity-based Policies 22, 38, 40, 41, 42, 44, 49</p>

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Structure removal or demolition 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 contaminants and the activity does not come within or comply with Rules 44 or 45 or <i>the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 1998</i> (Appendix 5).	46	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Discretionary	(a) demolition or removal of structure and discharge does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment. (b) demolition or removal of structure and discharge comply with tangata whenua indicators referred to in the tangata whenua monitoring plan (c) demolition or removal of structure and discharge is consistent with iwi management plan.	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 22, 38, 40, 41, 42, 44, 49



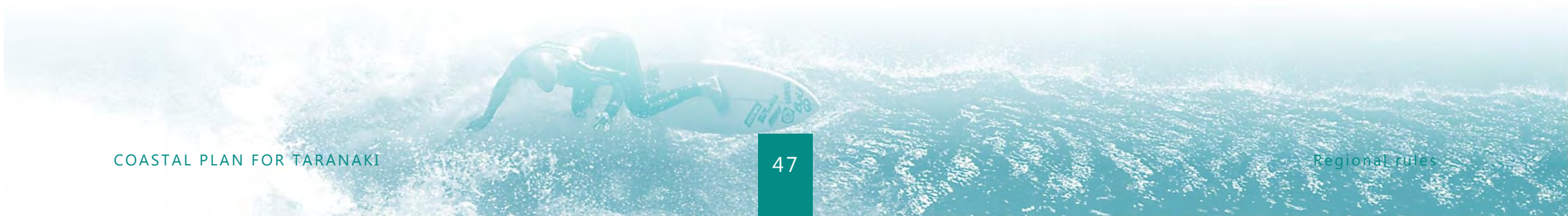
Community, recreational or sporting activity

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Community, recreational or sporting activity involving temporary occupation of the common marine and coastal area and any associated:</p> <p>(a) disturbance of the foreshore or seabed.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 51.</i></p>	47	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Permitted	<p>activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant indigenous biodiversity]; <u>and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</u></p> <p>(b) the activity does not have an adverse effect on the values associated with <u>cultural and</u> historic heritage identified in Schedule 5 [<u>Cultural and</u> Historic heritage];</p> <p>(c) <u>the activity does not have adverse effect on Schedules 1 and 2</u></p> <p>(d) <u>the activity does not adversely affect the suitability of the receiving environment for customary use</u></p> <p>(e) <u>the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2:</u></p> <p>(f) activity does not present a hazard to navigation and shipping;</p> <p>(g) activity complies with the general standards in Section 8.6;</p> <p>(h) activity does not involve disturbance of the foreshore or seabed or other works that will have an effect that lasts longer than four high tides after the conclusion of the event;</p> <p>(i) the details of the activity, along with any restrictions imposed on the use of the area, are published in a newspaper circulating in the entire area likely to be affected by the activity at least 14 days prior to the event;</p> <p>(j) Taranaki Regional Council is informed of the activity at least five working days prior to commencement by entering details of the activity at www.trc.govt.nz/informcouncil;</p> <p>(k) written notice is given to the adjacent Territorial Authority at least five working days prior to the activity commencing;</p> <p>(l) signs are located at the site of the activity notifying the public of the details of the activity, any restrictions imposed on the use of</p>		

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
				<p>the area and contact information of the organiser for at least the seven working days prior to the activity commencing;</p> <p>(m) activity does not restrict public access or exclude the public for a period of longer than four consecutive days;</p> <p>(n) all litter and other refuse attributable to the activity is removed from the area of the activity on a daily basis;</p> <p>(o) activity occupies an area extending seaward that runs no more than 300 m along or parallel to the line of mean high water spring at any time; and</p> <p>(p) activity does not hinder the operational requirements of emergency services including the coastguard, police and surf lifesaving.</p>		

Continued occupation

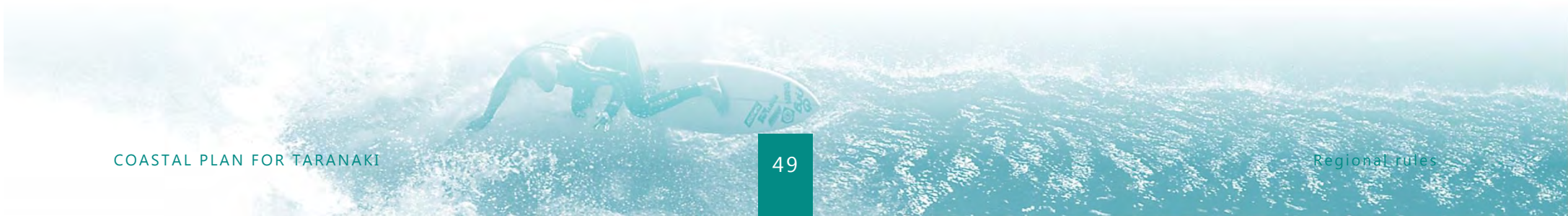
Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Continued occupation of the common marine and coastal area, with an existing lawfully established structure, where the occupation was a permitted activity at the time of placement or erection.	48	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	(a) the structure is being used for its original purpose.		



Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Continued occupation of the common marine and coastal area with an existing lawfully established structure after its consent expires, where the occupation was a controlled activity at the time of placement or erection.	49	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Controlled	<p>(a) the structure is being used for its originally consented purpose.</p> <p>(b) <u>Continued occupation does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</u></p> <p>(c) <u>Continued occupation complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</u></p> <p>(d) <u>Continued occupation is consistent with iwi management plan.</u></p>	<p>(a) maintenance and decommissioning of structure;</p> <p>(b) effects on other authorised structures or activities;</p> <p>(c) sediment movement and erosion;</p> <p>(d) effects on water quality <u>and mauri values;</u></p> <p>(e) effects on ecological values;</p> <p>(f) effects on historic, cultural and amenity values;</p> <p>(g) effects on surf breaks;</p> <p>(h) effects of occupation on public access;</p> <p>(i) effects on navigation;</p> <p>(j) effects of noise and light;</p> <p>(k) <u>effects on Cultural Zone (referred to in Spatial Plan)</u></p> <p>(l) monitoring <u>(including tangata whenua indicators referred to in the tangata whenua monitoring plan)</u> and information requirements;</p> <p>(m) duration of consent; and</p> <p>(n) review of consent conditions.</p> <p><u>Resource consent applications under this Rule will not be publicly notified but may be limited notified.</u></p> <p><u>Resource consent applications under this Rule will be notified to tangata whenua.</u></p>	General Policies 1 to 21 and Activity-based Policies 22, 29, 30, 31, 32, 39, 49

Other occupation that is not provided for in Rules 47 to 49

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Occupation of the common marine and coastal area and the activity does not come within or comply with Rules 47 to 50 or any other Rule in this Plan or <i>the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 1998</i> (Appendix 5).	50	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Discretionary	(a) the occupation does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment; (b) the occupation complies with tangata whenua indicators referred to in the tangata whenua monitoring plan (c) the occupation is consistent with iwi management plan.	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 31, 32, 39



1.2 Disturbance, deposition and extraction

Clearance of outfalls, culverts and intake structures

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Clearance of outfalls, culverts and intake structures involving disturbance of the foreshore or seabed and deposition of materials onto the foreshore or seabed and any associated:</p> <p>(a) occupation of space in the common marine and coastal area; and</p> <p>(b) discharge of contaminants.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 60 or Rule 61 depending on the coastal management area involved.</i></p>	51	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	<p>(a) disturbance is for the purpose of removing accumulated sediment that is adversely affecting the use and performance of a culvert, outfall or intake structure;</p> <p>(b) amount of material removed is the minimum necessary to allow reasonable use of the structure;</p> <p>(c) material removed is placed on foreshore or seabed that consists of the same type of material;</p> <p>(d) activity complies with the general standards in Section 8.6; and</p> <p>(e) activity does not restrict public access for more than 24 hours.</p> <p>(f) <u>the discharge does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage].</u></p> <p>(g) <u>the discharge does not have adverse effect on Schedules 1 and 2</u></p> <p>(h) <u>the discharge does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</u></p> <p>(i) <u>the discharge does not adversely affect the suitability of the receiving environment for customary use</u></p> <p>(j) <u>activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type, or any sensitive marine benthic habitat including those identified in Schedule 4 [Significant indigenous biodiversity] or any reef system; and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</u></p>		

Collection of benthic grab samples

<p>Collection of benthic grab samples for scientific or monitoring purposes involving disturbance of the foreshore or seabed and removal of natural material from the foreshore or seabed and any associated:</p> <ul style="list-style-type: none"> (a) deposition of materials onto the foreshore or seabed; (b) occupation of space in the common marine and coastal area; and (c) discharge of sediment. <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 60 or Rule 61 depending on the coastal management area involved.</i></p>	52	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Permitted	<ul style="list-style-type: none"> (a) sampling is confined to mud, silt, sand, gravel and other fine sediments; (b) spacing between sampling locations is not less than 0.5 km; (c) recurrent sampling at the same location does not occur more frequently than once every two months; (d) the volume of material removed from a sampling location does not exceed 0.3 m³; (e) the area of seabed disturbed at a sampling location does not exceed 3 m²; (f) sampling does not have an adverse effect on the values associated with <u>cultural and</u> historic heritage identified in Schedule 5 [<u>Cultural and</u> Historic heritage]; (g) <u>the sampling does not have adverse effect on Schedules 1 and 2</u> (h) <u>the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</u> (i) sampling does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type, or any sensitive marine benthic habitat including those identified in Schedule 4 [Significant indigenous biodiversity] or any reef system; <u>and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</u> <p>and</p> <ul style="list-style-type: none"> (i) Taranaki Regional Council is informed of the scale, location and timing of the activity at least five working days before work commences by entering details of the activity at www.trc.govt.nz/informcouncil. 		
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Minor disturbance and removal

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Removal of sand, shell shingle or other natural material involving minor disturbance of the foreshore and seabed, and any associated:</p> <p>(c) occupation of space in the common marine and coastal area; and</p> <p>(d) discharge of contaminants.</p> <p><i>Note: If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 60 or Rule 61 depending on the coastal management area involved.</i></p>	53	<p>Outstanding Value</p> <p>Estuaries Unmodified</p> <p>Estuaries Modified</p> <p>Open Coast</p> <p>Port</p>	Permitted	<p>(a) the activity does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</p> <p>(b) the activity does not have adverse effect on Schedules 1 and 2</p> <p>(c) the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</p> <p>the activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems] and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat];</p> <p>(d) no more than 0.5 m³ of sand, shingle, shell or other natural material is taken by a person in a 12 month period;</p> <p>(e) the removal of natural material is not for commercial gain;</p> <p>(f) the area of excavation is smoothed over after the completion of the activity (e.g. no holes left on the foreshore);</p> <p>(g) the extent of the foreshore and seabed disturbance is limited to that required to undertake the activity; and</p> <p>(h) no motorised excavation machinery is used to disturb or remove sand, shingle, shell or other natural material.</p>		



Burial of dead animals

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Burial of dead animals undertaken by the Taranaki Regional Council, a territorial authority, the Department of Conservation, or agents of those organisations, involving disturbance of the foreshore and seabed and excavation and deposition of material and any associated:</p> <p>(a) occupation of space in the common marine and coastal area; and</p> <p>(b) discharge of contaminants.</p> <p><i>Note: (1) Ideally animals should be buried at least 2 m below the surface.</i> <i>Note: (2) If the activity does not meet the standards, terms and conditions in this Rule refer to Rule 60 or Rule 61 depending on the coastal management area involved.</i></p>	54	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Permitted	<p>(a) the activity does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</p> <p>(b) the activity does not occur within Schedules 1 and 2</p> <p>(c) the activity does occur on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</p> <p>(d) the activity does not occur at any site identified in 6B [Sites of significance to Māori and associated values] except with express permission of the relevant iwi authority;</p> <p>(e) activity complies with the general standards in Section 8.6; the activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems] and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</p> <p>and</p> <p>(f) where a marine mammal is buried, the relevant iwi authority is notified prior to the burial taking place.</p>		

Dredging and spoil disposal



Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Maintenance or capital dredging to ensure a safe navigational depth within Port Taranaki and its approaches involving disturbance of the seabed and any associated: (a) occupation of space in the common marine and coastal area; (b) discharge of contaminants; and (c) incidental deposition.	55	Port	Discretionary			General Policies 1 to 21 and Activity-based Policies 22, 30, 39, 40, 41, 42, 43, 44, 49
Deposition of natural material from port dredging on the foreshore or seabed and any associated: (a) occupation of space in the common marine and coastal area; (b) discharge of contaminants; and (c) disturbance of the foreshore or seabed.	56	Open Coast	Discretionary	(a) the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment; (b) the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan (c) the activity is consistent with iwi management plan.	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 22, 39, 40, 41, 42, 43, 44, 49

Beach replenishment

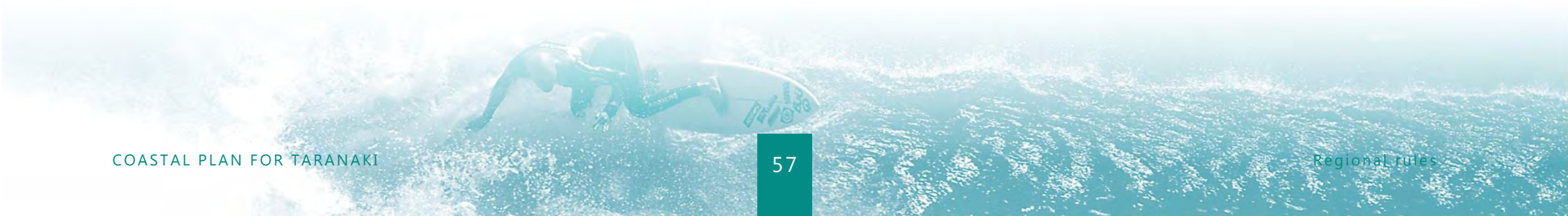
Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Beach replenishment involving deposition of natural material onto the foreshore or seabed and any associated: (a) occupation of space in the common marine and coastal area; (b) discharge of contaminants; and (c) disturbance of the foreshore or seabed that does not come within or comply with Rule 56.	57	Open Coast	Discretionary	(a) the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment; (b) the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan (c) the activity is consistent with iwi management plan.	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 22, 40, 41, 42, 44, 49

Introduction of exotic plants

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Introduction of any exotic plant onto the foreshore or seabed.	58	Estuaries Modified Open Coast Port	Discretionary	<p>(a) the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</p> <p>(b) the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) the activity is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 28
Introduction of any exotic plant onto the foreshore or seabed.	59	Outstanding Value Estuaries Unmodified	Non-complying	<p>(a) the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</p> <p>(b) the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) the activity is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 28

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

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Disturbance, damage or destruction of the foreshore or seabed including any:</p> <p>(a) removal of sand, shell, shingle or other natural material; or</p> <p>(b) deposition of material in, on or under the foreshore or seabed</p> <p>that does not come within or comply with Rules 51 to 59, or any other Rule in this Plan including the deemed rules in the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5) or the <i>Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009</i> (Appendix 6).</p>	60	Estuaries Modified Open Coast Port	Discretionary	<p>(a) the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</p> <p>(b) the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) the activity is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 39, 40, 41, 42, 44
<p>Disturbance, damage or destruction of foreshore or seabed including any:</p> <p>(a) removal of sand, shell, shingle or other natural material; or</p> <p>(b) deposition of material in, on or under the foreshore or seabed</p> <p>that does not come within or comply with Rules 51 to 59, or any other Rule in this Plan including the deemed rules in the <i>Resource Management (Marine Pollution) Regulations 1998</i> (Appendix 5) or the <i>Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009</i> (Appendix 6).</p>	61	Outstanding Value Estuaries Unmodified	Non-complying	<p>(a) the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</p> <p>(b) the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) the activity is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policies 39, 40, 41, 42, 44



1.3 Reclamation or drainage

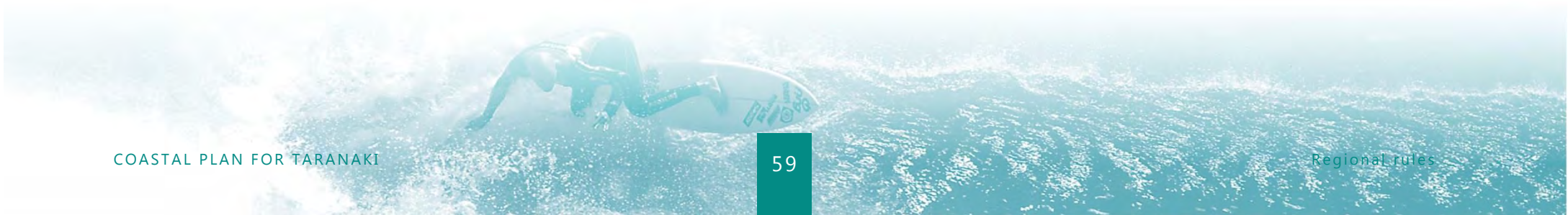
Reclamation or drainage for erosion and flood control within areas of outstanding coastal value and unmodified estuaries

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Erosion control or flood control involving reclamation and draining of the foreshore or seabed and any associated:</p> <p>(a) occupation of space in the common marine and coastal area;</p> <p>(b) disturbance or destruction of the foreshore or seabed;</p> <p>(c) deposition of material in, on or under the foreshore or seabed; and</p> <p>(d) discharge of contaminants.</p> <p><i>Note: For reclamation and draining not related to flood control refer to Rule 63.</i></p>	62	Outstanding Value Estuaries Unmodified	Non-complying	<p>(a) the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</p> <p>(b) the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) the activity is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	<p>General Policies 1 to 21 and</p> <p>Activity-based Policies 22, 39, 40, 41, 42, 44, 45, 46, 49</p>

Other reclamation or drainage that is not provided for in Rule 62

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Reclamation and draining of the foreshore or seabed that does not come within or comply with Rule 62.</p>	63	Estuaries Modified Open Coast Port	Discretionary	<p>(a) the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</p> <p>(b) the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) the activity is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	<p>General Policies 1 to 21 and</p> <p>Activity-based Policies 45, 46</p>

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
Reclamation and draining of the foreshore or seabed that does not come within Rule 62.	64	Outstanding Value Estuaries Unmodified	Prohibited			



1.4 Taking or use

Taking or use of water, heat or energy

Activity	Rule	Coastal management area	Classification	Standards/terms/conditions	Control/notification	Policy reference
<p>Taking or use of coastal water or taking or use of any heat or energy from coastal water, excluding water in estuaries.</p> <p><i>Note: For estuaries refer to Rule 66.</i></p>	65	Outstanding Value Open Coast Port	Permitted	<p>(a) the activity does not have an adverse effect on any site identified in Schedule 7A [Regionally and nationally significant surf breaks];</p> <p>(b) the activity does not have an adverse effect on the values associated with cultural and historic heritage identified in Schedule 5 [Cultural and Historic heritage];</p> <p>(c) the activity does not have adverse effect on Schedules 1 and 2</p> <p>(d) the activity does not have any adverse effect on any site identified in 5B [Sites of significance to Māori and associated values] and Appendix 2;</p> <p>(e) the activity does not adversely affect the suitability of the receiving environment for customary use</p> <p>the activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant indigenous biodiversity]; and taonga species protected under Taranaki iwi Deed of Settlement including those identified in Schedule 4C [Taonga species and habitat]</p> <p>and</p> <p>(f) activity complies with the general standards in Section 8.6.</p>		
<p>Taking or use of water from an estuary or aquifer or taking or use of any heat or energy from water in an estuary or aquifer excluding taking or use of water which is allowed by sections 14(3)(d) or (e) of the Act.</p>	66	Outstanding Value Estuaries Unmodified Estuaries Modified Open Coast Port	Discretionary	<p>(a) the activity does not adversely affect the matters/values identified for protection by mana whenua in the cultural impact assessment;</p> <p>(b) the activity complies with tangata whenua indicators referred to in the tangata whenua monitoring plan</p> <p>(c) the activity is consistent with iwi management plan.</p>	Resource consent applications under this Rule will be notified to tangata whenua.	General Policies 1 to 21 and Activity-based Policy 47

Schedule 1 – Coastal management areas

Ngati Ruanui's recommendations are **underlined and written in red bold font.**

Coastal Management Area	Map Reference
1) <u>Outstanding Value</u>	
(i) Waihi Stream to Pariokariwa Point and Parininihi	Map Link Map – 1, 2, 3, 4, 5, 43
(ii) Mimi Estuary	Map Link Map - 7
(iii) Ngā Motu/Sugar Loaf Islands Marine Protected Area and Tapuae Marine Reserve	Map Link Map - 44
(iv) Hangatahua (Stony) River	Map Link Map - 17
(v) Oaonui (Sandy Bay)	Map Link Map - 23
(vi) Kaipokonui Estuary	Map Link Map - 28
(vii) Kapuni Stream	Map Link Map - 29
(viii) Whenuakura	Map Link Map - 36
(ix) Waipipi Dunes	Map Link Map – 36, 37
(x) Project Reef	Map Link Map - 42
(xi) North and South Traps	Map Link Map - 41
(xii) Waverley Beach	Map Link

	Map - 38
(xiii) Waitotara	Map Link Map - 38, 39
(xiv) Tangahoe – Hawera – Manutahi Reef system	
(xv) Patea Beach	
(xvi) Patea Beach Estuary	
(xvii) Ohawe Beach	
(xviii) Manawapou Beach	
(xix) Waihi Beach	
2) Estuaries Unmodified	
(i) Urenui Estuary	Map Link Map - 8
(ii) Onaero Estuary	Map Link Map - 8
(iii) Waiongana Estuary	Map Link Map - 11
(iv) Oakura Estuary	Map Link Map - 14
(v) Waingongoro Estuary	Map Link Map - 30
(vi) Tangahoe Estuary	Map Link Map - 32
(vii) Manawapou Estuary	Map Link Map - 32
(viii) Hauroto Estuary	
(ix) Waihi Estuary	
(x) Katewheta Estuary	
(xi) Waikakai Estuary	
(xii) Mangaroa Estuary	
(xiii) Kaikura Estuary	

(xiv) <u>Whenuakura Estuary</u>	
3) Estuaries Modified	
(i) Waitara Estuary	Map Link Map - 10
(ii) Waiwhakaiho Estuary	Map Link Map - 12
(iii) Pātea Estuary	Map Link Map - 35
4) Open Coast – the area of the CMA not covered by the other management areas	
5) Port	Map Link Map - 13

Schedule 2 - Coastal areas of outstanding value

This Schedule identifies eight areas of outstanding natural character and nine areas that are outstanding natural features or landscapes. A values table and map for each area is included below. Information included within this Schedule has been informed by the report *Regional landscape study of the Taranaki coastal environment* (2015) and subsequent consultation undertaken as part of the Coastal Plan review. The report contains further information on the Taranaki coastal environment as a whole and the details of the assessments carried out to determine which coastal areas were considered to have outstanding value.

Areas of Outstanding Natural Character (ONC)	Map Reference
ONC 1 - Parinihi	Map Link Map - 43
ONC 2 - Mimi Estuary	Map Link Map - 7
ONC 3 - Paritutu, Ngā Motu (Sugar Loaf Islands) and Tapuae	Map Link Map - 44
ONC 4 - Whenuakura Estuary	Map Link Map - 36
ONC 5 - Waipipi Dunes	Map Link Map – 36, 37
ONC 6 - Project Reef	Map Link Map - 42
ONC 7 - North and South Traps	Map Link Map - 41
ONC 8 - Waitotara	Map Link Map - 39
<u>ONC 9 - Tangahoe – Hawera – Manutahi Reef system</u>	

Schedule 4 - Significant indigenous biodiversity

This schedule identifies indigenous species, ecosystems and habitats identified as being regionally significant for their coastal indigenous biodiversity values.

Schedule 4A includes a table identifying coastal indigenous flora and fauna species identified as threatened or at risk of extinction as defined by the New Zealand Threat Classification System and the International Union for Conservation of Nature and Natural Resources classification. Regionally Distinctive species are also included in this table. Naturally rare and uncommon ecosystem types found on the Taranaki coast are listed below the table.

Schedule 4B identifies sensitive marine benthic habitats found within or in the vicinity of the Taranaki CMA.

Schedule 4C identifies taonga species under Ngati Ruanui Claims Settlement Act 2003

Schedule 4C – Significant taonga species

<u>Maori Name</u>	<u>Common Name</u>	<u>Formal Name</u>
<u>Hapuka</u>	<u>Groper</u>	<u>Polypio oxygenios</u>
<u>Kaeo</u>	<u>Sea tulip</u>	<u>Pyrua pachydermatum</u>
<u>Kahawai</u>	<u>Sea trout</u>	<u>Arripus trutta</u>
<u>Kanae</u>	<u>Mullet</u>	<u>Mugil cephalus</u>
<u>Koeke</u>	<u>Common Shrimp</u>	<u>Palaemon affinis</u>
<u>Marari</u>	<u>Butterfish</u>	<u>Odax pullus</u>
<u>Moki</u>	<u>Blue moki</u>	<u>Latridopsis ciliaris</u>
<u>Paraki/Ngaiore</u>	<u>Common Smelt</u>	<u>Retropinna retropinna</u>
<u>Para</u>	<u>Frostfish</u>	<u>Lepidopus caudatus</u>
<u>Patiki mahoao</u>	<u>Black Flounder</u>	<u>Rhombosolea retiaria</u>
<u>Patiki rore</u>	<u>New Zealand sole</u>	<u>Peltorhamphus novaezeelandise</u>
<u>Pakiti tore</u>	<u>Lemon sole</u>	<u>Pelotretis flavilatus</u>
<u>Patiki totara</u>	<u>Yellow belly flounder</u>	<u>Rhombosolea leporina</u>
<u>Patiki</u>	<u>Sand flounder</u>	<u>Rhombosolea plebeia</u>
<u>Patukituki</u>	<u>Rock cod</u>	<u>Parapecis colias</u>
<u>Pioke</u>	<u>Rig shark</u>	<u>Galeorhinus galeus</u>
<u>Reperepe</u>	<u>Elephant fish</u>	<u>Callorhynchus milli</u>
<u>Tuna heke</u>	<u>Eel – long finned</u>	<u>Anguilla dieffenbachi</u>
<u>Tuna roa</u>	<u>Eel –short finned</u>	<u>Anguilla australis</u>
<u>Wheke</u>	<u>Octopus</u>	<u>Octopus maorum</u>
<u>Koiro, ngoiro, totoke, hao, ngoio, ngoingoi, putu</u>	<u>Conger Eel</u>	<u>Conger verreauxi</u>
<u>Koura</u>	<u>Crayfish</u>	<u>Jasus edwardsii</u>

Kaunga	Hermit Crab	Pagurus novaeseelandiae
Papaka parupatu	Mud Crab	Helice sp.
Papaka	Paddlecrab	Ovalipes catharus
Kotere, humenga	Sea anemoe	Cnidaria group
Rore, rori	Sea cucumber / sea snail	Stichopus mollis
Patangatanga, patangaroa, pekapeka	Starfish	Echinoderms
SHELLFISH		
Kina	Sea urchin	Evechinus chloroticus
Kuku / Kutae	Green lipped mussel	Perna canaliculus/mytilus edulis
Kuku / Kutae	Blue lipped mussel	Perna canaliculus/mytilus edulis
Paua	Paua – black foot (Abalone)	Haliotis iris
Paua	Paua – yellow foot	Haliotis australis
Pipi /kakahī	Pipi	Paphies austral
Pupu	Pupu	Turbo smaragdus/zediloma spp
Purimu	Surf clam	Dorsinia anus et al.
Rori	Sea snail	Scutus breviculus
Tuangi	Cockle	Austrovenus stutchburgi
Tuatua	Tuatua	Paphies subtriangulata, paphies donacina
Waharoa	Horse mussel	Atrina zelandica
Waikaka	Mud snail	Amphibola crenata, Turbo smaragus, Zedilom spp.
Tio, Karauria, ngahiki, repe	Rock Oyster	Crassostrea glomerata
Tupa, kuakua, pure, tipa, tipai, kopa	Scallop	Pecten novazelandiae

Schedule 5 – Cultural and Historic heritage

Schedule 5B – Sites of significance to Māori and associated values

This schedule identifies known sites with special cultural, spiritual, historical and traditional associations located within the CMA. The Taranaki Regional Council is committed to working with iwi o Taranaki to identify all culturally significant sites that are located within the CMA. Site locations are approximate only and are not intended to provide a definitive location or extent of a site.

Note: In addition to the values shown in the following table the values of kaitiakitanga and mouri also apply to all sites. All values are addressed through the policies within this Plan and will be further considered through consenting processes.

Ngāti Ruanui

The resources found within Te Moananui a Kupe since time immemorial, provided the people of Ngāti Ruanui with a constant supply of food resources. The hidden reefs provided koura, paua, kina, pupu, papaka, pipi, tuatua, and many other reef inhabitants. Hapuka, moki, kanae, mako, and patiki swim feely between the many reefs that can be found stretching out into the spiritual waters of Te Moananui a Kupe and along the Ngāti Ruanui coastline.

Names such as Rangatapu, Ohawe, Tokotoko, Waihi, Waukena, Tangaahoe, Manawapou, Taumaha, Manutahi, Pipiri, Kaikura, Whitikau, Kenepuru, Te Pou a Turi, Rangitaawhi and Whenuakura the whereabouts of either a fishing ground or a reef.

All along the shoreline from Rangatapu to Whenuakura food can be gathered depending on the tides, weather and time of year.

Tragedies of the sea are also linked to these reefs. Ngāti Ruanui oral history records the sinking off Tangahoe of a Chinese trade ship that had just been loaded with a cargo of flax. When the bodies were recovered and brought to shore none of them had any eyes. The people of Ngaati Hine believe that they did something wrong and in turn were punished by the taniwha named Toi, kaitiaki of the fishing reefs and grounds who is renown to this day to eat the eyes of his victims

Area	Commentary	Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
Te Moananui A O Ngati Ruanui (Coastal Area)	Information to follow				
Tangahoe River	<p>The Tangahoe River has been a major supply of food and water resources to its people both prior to and since the arrival of the Aotea Waka. The valley like the rest of the southern lands was a fertile paradise and because of the mild temperatures promoted lush vegetation that was checked only by the occasional equinoctial weather patterns. Birds such as the manunui, kereru, pukeko, tiwaiwaka, kahu, kakapo, kiwi, korimako, miromiro and the pipiwharau flourished in the berry filled trees, like the koromiko, kohia, hinau, pipiriri, mamaku, and Rewarewa at the side of the eel, and koura filled creeks. Fish such as the piharau, kokopu, tunaheke, patiki, and shellfish were abundant in the waters and on the reefs at the mouth of the river.</p> <p>A version of the origin of the name Tangahoe is because of an incident that occurred, whereby the steering oar was lost from a large deep sea fishing waka as it attempted to return to the tauranga waka and the comment made was made that "if there were two steering oars like that of the Aotea waka then its flight to its resting place would remain true"</p>	F1	Tangahoe River	Mahinga kai	Map Link Map 32
Pātea River	<p>The full name of the river is "Pātea nui a Turi". It was named by Turi on his arrival overland after leaving the Aotea Waka at Kawhia. Since the arrival the river has played an important part in the lifestyles of the Aotea people. Turi Ariki at Te Pou a Turi laid claim to the surrounding territory and the river which until then had been known as Te Awanui o Taikehu, as belonging to him and his descendants. Upon completing the respective rituals to protect the newly gained lands from unwanted entities he then proceeded to spiritually purify the rest of the area. The river was traversed and spiritual kaitiaki sown in every location that was to become significant to the Aotea people along the total length of the river. These rituals continued to the source of the river (named Whakapou Karakia) on the mountain. It was at this locality upon the mountain that the final karakia of protection was done to unite all the kaitiaki as one in protection of the waters and resources pertaining to the river hence:</p> <ul style="list-style-type: none"> • Whaka: to do • Pou: pillar of strength • Karakia: invocation. 	F2	Pātea River	Mahinga kai	Map Link Map 35

Area	Commentary	Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
Whenuakura River	<p>The name of this river originated during the time that Turi Arikini, Kaihau of the waka tipua Aotea and his wife Rongorongo Tapaairu, who lived with their families between the two rivers, Pātea nui a Turi and Whenuakura. Turi was the Ariki (Rangatira of the highest rank) of the Aotea waka.</p> <p>Like the Tangahoe River this river provided the people of the Aotea waka and later the people of Ngaati Hine and Ngaati Tupito with all the resources of life they required to survive.</p>	F3	Whenuakura River	Mahinga kai	Map Link Map 36
Waingongoro River	Information to follow				
Manawapou River	Information to follow				
Waihi Stream	Information to follow				
Katewheta Stream	Information to follow				
Waikaikai Stream	Information to follow				
Mangaroa Stream	Information to follow				

Area	Commentary	Sites of significance to Māori within the CMA		Values associated with sites	Map reference
		TRC Number	Description		
<u>Kaikura Stream</u>	<u>Information to follow</u>				
<u>Whitika</u>	<u>Information to follow</u>				
<u>Tangahoe-Hawera-Manutahi Reef</u>	<u>Information to follow</u>				

DEED OF SETTLEMENT: CULTURAL REDRESS SCHEDULE

PART 1: PROTOCOLS: FISHERIES PROTOCOL

ATTACHMENT C

(Fisheries Protocol clause 5.1)

TAONGA FISH SPECIES (MINISTRY OF FISHERIES)

Fish Species

Maori Name	Common Name	Formal Name
Hapuka	Groper	<i>Polypion oxygenios</i>
Kaero	Sea tulip	<i>Pyura pachydermatum</i>
Kahawai	Sea trout	<i>Arripus trutta</i>
Kanae	Mullet	<i>Mugil cephalus</i>
Koeke	Common shrimp	<i>Palaemon affinis</i>
Marari	Butterfish	<i>Odax pullus</i>
Moki	Blue moki	<i>Latridopsis ciliaris</i>
Paraki/Ngaiorre	Common smelt	<i>Retropinna retropinna</i>
Para	Frostfish	<i>Lepidopus caudatus</i>
Patiki mohoao	Black flounder	<i>Rhombosolea retiaria</i>
Patiki rore	New Zealand sole	<i>Peltorhamphus novaezeelandiae</i>
Patiki tore	Lemon sole	<i>Pelotretis flavilatus</i>
Patiki totara	Yellowbelly	<i>Rhombosolea leporina</i>
Patiki	Sand flounder	<i>Rhombosolea plebeia</i>
Patukituki	Rock Cod	<i>Parapercis colias</i>
Pioke	School shark/rig	<i>Galeorhinus galeus</i>
Reperepe	Elephant fish	<i>Callorhynchus millii</i>
Tuna heke	Eel – long finned	<i>Anguilla dieffenbachii</i>
Tuna roa	Eel – short finned	<i>Anguilla australis</i>
Wheke	Octopus	<i>Octopus maorum</i>
Koiro, ngoiro, totoke, hao, ngoio, ngoingoi, putu	Conger eel	<i>Conger verreauxi</i>
Koura	Rock lobster/Crayfish	<i>Jasus edwardsii</i>
Kaunga	Hermit crab	<i>Pagurus novaeseelandiae</i>
Papaka parupatu	Mud crab	<i>Helice sp.</i>
Papaka	Paddlecrab	<i>Ovalipes catharus</i>
Kotore, humenga	Sea anemone	<i>Cnidaria group</i>

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DEED OF SETTLEMENT: CULTURAL REDRESS SCHEDULE

PART 1: PROTOCOLS: FISHERIES PROTOCOL

Rore, rori	Sea cucumber	<i>Stichopus mollis</i>
Patangatanga, patangaroa, pekapeka	Starfish	<i>Echinoderms</i>

DEED OF SETTLEMENT: CULTURAL REDRESS SCHEDULE

PART 1: PROTOCOLS: FISHERIES PROTOCOL

Shellfish

Maori Name	Common Name	Formal Name
Kina	Sea urchin/kina	<i>Evechinus chloroticus</i>
Kutae/Kuku	Green lipped mussel	<i>Perna canaliculus/mytilus edulis</i>
Kutae/Kuku	Blue mussel	<i>Perna canaliculus/mytilus edulis</i>
Paua	Paua – black foot (Abalone)	<i>Haliotis iris</i>
Hihiwa	Paua – yellow foot	<i>Haliotis australis</i>
Pipi/kakahi	Pipi	<i>Paphies australe</i>
Pupu	Pupu	<i>Turbo smaragdus/ zediloma spp</i>
Purimu	Surfclam	<i>Dosinia anus, Paphies donacina, Mactra discor, Mactra murchsoni, Spisula aequilateralis, Basina yatei, or Dosinia subrosa</i>
Rori	Seasnail	<i>Scutus breviculus</i>
Tuangi	Cockle	<i>Austrovenus stutchburgi</i>
Tuatua	Tuatua	<i>Paphies subtriangulata, Paphies donacina</i>
Waharoa	Horse mussel	<i>Atrina zelandica</i>
Waikaka	Mudsnail	<i>Amphibola crenata, Turbo smaragdus, Zedilom spp.</i>
Karauria, ngakihi, tio, repe	Rock oyster	<i>Crassostrea glomerata</i>
Kuakua, pure, tipa, tipai, kopa	Scallop	<i>Pecten novaezelandiae</i>

MED PROTOCOL

(Clause 9.1.8)

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**STATUTORY ACKNOWLEDGEMENT FOR TE MOANANUI
A KUPE O NGAATI RUANUI (COASTAL AREA)**

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DEED OF SETTLEMENT: CULTURAL REDRESS SCHEDULE

PART 10: STATUTORY ACKNOWLEDGEMENTS: TE MOANANUI
A KUPE O NGAATI RUANUI (COASTAL AREA)

1. **STATUTORY AREA**

- 1.1 The area to which this Statutory Acknowledgement applies is the area known as Te Moananui A Kupe O Ngaati Ruanui (Coastal Area) as shown on SO Plan 14739.

2. **PREAMBLE**

- 2.1 Under section [] of the Ngaati Ruanui Claims Settlement Act [] (the "**Settlement Act**") (**clause 9.3.18(c)** of the Deed of Settlement), the Crown acknowledges Ngaati Ruanui's statement of Ngaati Ruanui's cultural, spiritual, historic and traditional association with Te Moananui A Kupe O Ngaati Ruanui (Coastal Area) as set out in **clause 3**.

3. **CULTURAL, SPIRITUAL, HISTORIC AND TRADITIONAL ASSOCIATION OF NGAATI RUANUI WITH TE MOANANUI A KUPE O NGAATI RUANUI**

The resources found within Te Moananui A Kupe have, since time immemorial, provided the people of Ngaati Ruanui with a constant supply of food resources. The hidden reefs provided koura, paua, kina, pupu, papaka, pipi, tuatua and many other species of reef inhabitants. Hapuka, moki, kanae, mako and patiki swim freely between the many reefs that can be found stretching out into the spiritual waters of Te Moananui A Kupe and along the Ngaati Ruanui coastline.

Names such as Rangatapu, Ohawe Tokotoko, Waihi, Waukena, Tangaahoe, Manawapou, Taumaha, Manutahi, Pipiri, Kaikura, Whitikau, Kenepuru, Te Pou a Turi, Rangitawhi, and Whenuakura depict the whereabouts of either a fishing ground or fishing reef.

All along the shoreline from Rangatapu to Whenuakura food can be gathered depending on the tides, weather and time of year.

Tragedies of the sea are also linked to these reefs. Ngaati Ruanui oral history records the sinking off Tangaahoe of a Chinese trade ship that had just been loaded with a cargo of flax. When the bodies were recovered and brought to shore, none of them had any eyes.

The people of Ngaati Hine believe that they did something wrong and in turn were punished by the Ngaati Ruanui taniwha named Toi, kaitiaki (guardian) of the fishing reefs and grounds, who is renown to this day to eat the eyes of his victims.

4. **PURPOSES OF STATUTORY ACKNOWLEDGEMENT**

- 4.1 Under section [] of the Settlement Act (**clause 9.3.19** of the Deed of Settlement), and without limiting **clauses 5** and **6**, the only purposes of this Statutory Acknowledgement are:

4.1.1 to require that Consent Authorities forward summaries of Resource Consent applications to the Governance Entity as provided in section [] of the Settlement Act (**clause 9.3.24** of the Deed of Settlement);

4.1.2 to require that Consent Authorities, the New Zealand Historic Places Trust or the Environment Court as the case may be, have regard to this Statutory Acknowledgement in relation to Te Moananui A Kupe O Ngaati Ruanui, as provided

DEED OF SETTLEMENT: CULTURAL REDRESS SCHEDULE

**PART 10: STATUTORY ACKNOWLEDGEMENTS: TE MOANANUI
A KUPE O NGAATI RUANUI (COASTAL AREA)**

in section [] of the Settlement Act (clauses 9.3.20 to 9.3.22 of the Deed of Settlement); and

- 4.1.3 to enable the Governance Entity, and any Member of Ngaati Ruanui, to cite this Statutory Acknowledgement as evidence of the association of Ngaati Ruanui with Te Moananui A Kupe O Ngaati Ruanui as provided in section [] of the Settlement Act (clause 9.3.27 of the Deed of Settlement).

5. LIMITATIONS ON EFFECT OF STATUTORY ACKNOWLEDGEMENT

- 5.1 Except as expressly provided in sections [] and [] of the Settlement Act (clauses 9.3.19 to 9.3.22, 9.3.27, 9.3.29 and 9.3.31 of the Deed of Settlement):

5.1.1 this Statutory Acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person under any statute, regulation, or bylaw; and

5.1.2 without limiting clause 5.1.1, no person, in considering any matter or making any decision or recommendation under the relevant statute, regulation, or bylaw, may give any greater or lesser weight to Ngaati Ruanui's association with Te Moananui A Kupe O Ngaati Ruanui than that person would give under the relevant statute, regulation, or bylaw, if this Statutory Acknowledgement did not exist in respect of Te Moananui A Kupe O Ngaati Ruanui.

- 5.2 Except as expressly provided in the Settlement Act, this Statutory Acknowledgement does not affect the lawful rights or interests of any person who is not a party to the Deed of Settlement.

- 5.3 Except as expressly provided in the Settlement Act, this Statutory Acknowledgement does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Te Moananui A Kupe O Ngaati Ruanui.

6. NO LIMITATION ON CROWN

- 6.1 The existence of this Statutory Acknowledgement does not preclude the Crown from providing a statutory acknowledgement in respect of Te Moananui A Kupe O Ngaati Ruanui to a party or parties other than Ngaati Ruanui or the Governance Entity.

**STATUTORY ACKNOWLEDGEMENT FOR THE
TANGAHOE RIVER**

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Statutory Acknowledgement and Deed of Recognition

TARANAKI BIGHT
Coastal Area



Taranaki Land District
Territorial authority :
Taranaki Region



Te Moananui A Kupe O Ngāti Ruanui (Coastal Area)

Areas referred to in the Deed of Settlement between
Ngāti Ruanui and the Crown

Approved as to boundaries :
[Signature] 28/2/2001
for Ngāti Ruanui
[Signature] 28/2/2001
for and on behalf of The Crown

SO 14739

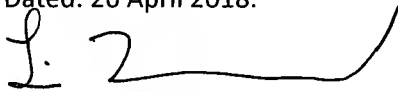
Submission on Proposed Coastal Plan for Taranaki

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

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

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

Dated: 26 April 2018.



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



APPENDIX A: SPECIFIC SUBMISSION POINTS

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

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

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

Your name

Fay Mulligan

Organisation (if applicable)

Paora Aneiti 17 & 18 Maori Reservation Trustees

Address

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

Daytime phone number

027 241 39 24

Email address

david.fay@xtra.co.nz

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

No

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

Yes

Your submission on the Proposed Plan

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

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

Document/file 1

Document/file 2

Document/file 3

Document/file 4

Your name

David Pearce

Organisation (if applicable)

Longview Limited

Address

2850 State Highway 3
R.D. 17,
Whanganui. 4587

Daytime phone number

063465222

Email address

david.pearce@longview.co.nz

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

No

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

No

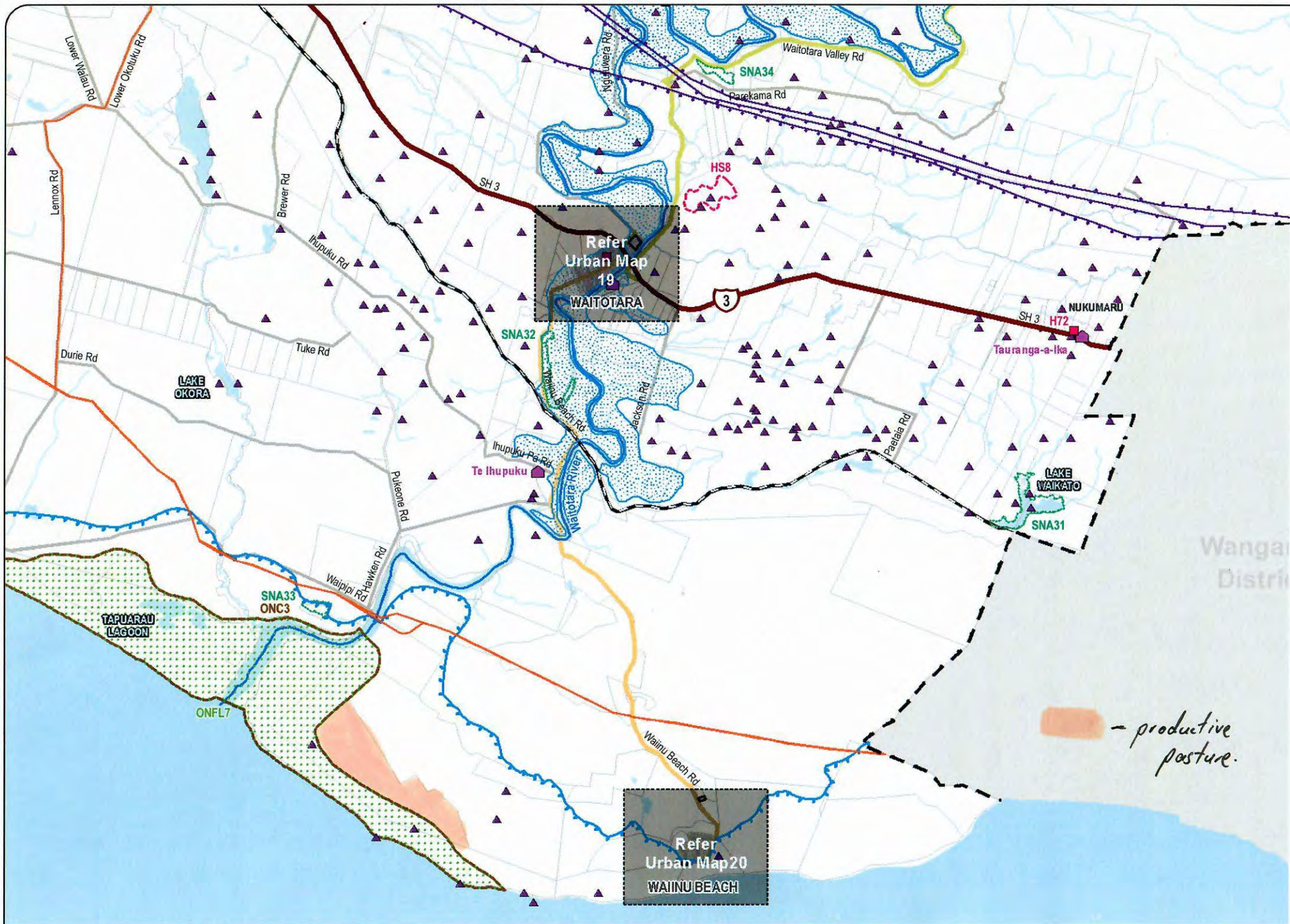
Your submission on the Proposed Plan

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

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

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

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



27 April 2018

Submission on the Proposed Taranaki Regional Coastal Plan
Taranaki Regional Council

PEPANZ Submission: Proposed Regional Coastal Plan for Taranaki

This document constitutes the Petroleum Exploration and Production Association of New Zealand's (PEPANZ) submission in respect of the Proposed Regional Coastal Plan, which was released by the Taranaki Regional Council in February 2018. PEPANZ represents private sector companies holding petroleum exploration and mining permits, service companies and individuals working in the industry.

Overarching comments

Introduction

PEPANZ welcomes the opportunity to provide a submission on the Proposed Coastal Plan. We appreciate the iterative process taken by the Regional Council leading up to this formal notification, which has meant the notified version of the plan is good shape overall. PEPANZ has provided comment on several occasions, first in November 2016.

This submission generally supports the plan, but recommends changes to:

1. align decommissioning policy with the International Maritime Organisation's guidelines on decommissioning and the direction the Central Government is moving in;
2. permit air discharges with negligible effects before the discretionary classification is triggered; and
3. use clearer wording in relation to effects on natural character
4. the definition of Regionally Important Infrastructure to include storage facilities.

We also recommend that noise limits are not changed in the absence of a proven problem with the status quo; and

These points are outlined fully in the attached table.

PEPANZ supports all other petroleum-related provisions in the Proposed Plan that are not explicitly mentioned in the attached table.

Table 1: Submission on the Proposed Coastal Plan

SECTION	SUMMARY OF SECTION	INITIAL POSITION	SUBMISSION POINTS WITH RATIONALE
Policy 3: Precautionary Approach	Adopt a precautionary approach, which may include using an adaptive management approach, where the effects of any activity on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.	Support	Focussing the precautionary approach on “potentially significantly adverse” effects adds a materiality concept which is useful, to only drive caution when it is necessary based on likely risk.
Policy 6: Activities important to the well-being of people and communities	Recognise and provide for new and existing infrastructure of regional importance or of significance to the social, economic and cultural well-being of people and communities in Taranaki, subject to appropriate management of adverse environmental effects.	Support	It is appropriate that ‘Activities important to the well-being of people and communities’ are recognised and provided for, and that oil and gas is included. Oil and gas provides energy security to the country and contributes 40% of Taranaki’s GDP, giving Taranaki the highest regional GDP per capita in New Zealand. The sector is highly productive and well-paid. It also makes significant regional contributions through social investment.
Policy 9: Natural character and natural features and landscapes	The section outlines the ways in which adverse effects on natural character and features are avoided, remedied or mitigated.	Support with amendment	Acknowledging that some of the language is used in the NZCPS, we submit that it would be more appropriate to use clear and objective language such as avoid, preserve, protect, enhance, restore, rather than subjective language such as "sympathetic". As currently drafted, the Policy is worded in the negative and positive. It would be better to have this worded so that it refers to positive actions such as maintain, minimise etc.

			<p>We suggest replacing certain phrases with more direct language, as follows:</p> <ol style="list-style-type: none"> 1. <i>is of an appropriate form, scale and design to be sympathetic <u>minimise effects on the character, visual amenity and quality of</u> to the existing landforms, features and vegetation (excluding high visibility markers required for safety or conservation purposes);</i> 2. <i>contributes to the enhancement <u>ment</u> or restoration of natural character;</i> 3. <i>is compatible with the existing level of modification to the environment, including by having particular regard to Policy 1;</i> 4. <i>is appropriate for the context of the area within the surrounding landscape, its representativeness and ability to accommodate change;</i> 5. <i>is of an appropriate form, scale and design to be sympathetic <u>minimise effects on the character, visual amenity and quality of</u> to the existing landforms, features and vegetation (excluding high visibility markers required for safety or conservation purposes).</i>
<p>Policy 38: Removal of coastal structures</p>	<p>Decommissioning and removal of any new structure will be planned for as part of the initial design and installation.</p> <p>Structures will be removed from the coastal marine area at the expiry of their authorisations or at the end of their useful lives, unless one or more of the following applies:</p> <ol style="list-style-type: none"> a) removal of the structure would cause greater adverse effects on the 	<p>Support with amendment</p>	<p>POINT 1.</p> <p>We support what we understand to be the intent of the policy. However, the text “structures will be removed... unless one or more of the following applies” is ambiguous. The current wording could be read as if the Regional Council <i>imposes</i> a requirement to leave it there if an item in the list is triggered. We presume, however, that the policy is meant to allow the operator to <i>apply</i> to leave structures or parts of structure in place if one of the items in the list can be met.</p> <p>The text could be amended to say something to the effect of “Structures will be removed. Applications to abandon material <i>in situ</i> or elsewhere in the coastal marine area can be made if one or more of the following applies.”</p> <p>We support the activity classification in Rule 46, which specifies that structure or demolition are discretionary.</p> <p>---</p>

	<p>environment than leaving it in place;</p> <p>b) the structure is an integral part of an historic heritage site or landscape;</p> <p>c) or the structure, or part of the structure, has reuse value that is considered appropriate in accordance with Policy 5.</p>		<p>POINT 2.</p> <p>We suggest that, in line with a comparative assessment, that further factors can be considered when making applications to leave materials <i>in situ</i>. This would also be consistent with the direction of Central Government’s proposed policy for structures in the exclusive economic zone. This is in line with the International Maritime Organisation’s 1989 guidelines¹ and include consideration of costs, technical feasibility and health and safety risks. We recommend the following considerations also be added to the Coastal Plan for consideration (from the IMO guidelines):</p> <p><i>“The decision to allow an offshore installation, structure, or parts thereof, to remain on the sea-bed should be based, in particular, on a case-by-case evaluation, by the coastal State with jurisdiction over the installation or structure, of the following matters:</i></p> <p><i>.1 any potential effect on the safety of surface or subsurface navigation, or of other uses of the sea;</i></p> <p><i>.2 the rate of deterioration of the material and its present and possible future effect on the marine environment:</i></p> <p><i>.3 the potential effect on the marine environment, including living resources;</i></p> <p><i>.4 the risk that the material will shift from its position at some future time;</i></p> <p><i>.5 the costs, technical feasibility, and risks of injury to personnel associated with removal of the installation or structure, and</i></p> <p><i>.6 the determination of a new use or other reasonable Justification for allowing the installation or structure or parts thereof to remain on the sea-bed.”</i></p> <p>POINT 3.</p> <p>It is unclear what the expectation will be with respect to planning for decommissioning and removal. It is recommended that this be clarified to allow for a description of general principles and options for decommissioning and removal of new structures. This will provide clarity to officials and operators that</p>
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¹ <https://cil.nus.edu.sg/wp-content/uploads/formidable/18/1989-Guidelines-and-Standards-for-the-Removal-of-Offshore-Installations-and-Structures-on-the-Continental-Shelf-and-in-the-Exclusive-Economic-Zone.pdf>

			a detailed decommissioning plan is not required at the time of applications for new structures.
Policy 32: Placement of structures	“where appropriate, should be made of, or finished with, materials that are visually and aesthetically compatible with the adjoining coast.”	Oppose	<p>Subjective policies like this are inherently difficult and “Aesthetic compatibility” may be difficult to measure. We appreciate that this is driven by policy directives in the New Zealand Coastal Policy Statement, but consider the Plan should be more specific.</p> <p>We suggest that it is more appropriate to use clear objective language. Our suggested wording to remove the subject elements is "<i>where appropriate, should be made of, or finished with, materials that are visually and aesthetically compatible with minimise effects on the character and visual amenity of the adjoining coast.</i>"</p>
Policy 42: Discharge of the foreshore and seabed	“Activities that cause disturbance of the foreshore or seabed will: Avoid significant adverse effects caused by the release of contaminants”	Support	We are comfortable with this policy, providing that Council has considered he routine discharge that affect the seabed (e.g. discharge of drill cuttings) are considered less than significant.
Rule 12 Seismic Surveying and Bathymetric Testing	Seismic surveys are permitted if the testing complies with the 2013 Code of Conduct	Support	This is appropriate, and operators comply with this under the EEZ Act’s Permitted Activity Regulations 2013. This promotes consistent policy across the territorial sea and exclusive economic zone.
Rule 17 Other discharges to air not provided for in Rules 15 and 16	Air discharges now all discretionary	Oppose	<p>We support treating flaring as a discretionary activity, but we request that Rule 17 is amended to permit discharges to air that have less than minor effects, before the discretionary classification applies. This is to enable the discharge of miscellaneous emissions without requiring consent.</p> <p>One option could be to include a permitted activity Rule for the flaring and venting of gas beyond a certain distance from the coast if the discharge is minor and temporary. The rationale for this exclusion is that the effects associated with offshore gas flaring and venting are negligible given the proximity to potentially affected parties and the dilution of the discharge in the air.</p>

			<p>Additionally, it may be appropriate to permit miscellaneous and minor emissions from tank vents or discharges from engines. A solution could be a permitted activity for emissions below a specified threshold. This would reduce the regulatory burden on the Regional Council in relation to processing consents for air discharges with negligible effects.</p> <p>Also of note is that the definition of “industrial trade premises” is vague and could include many things. One interpretation could even stretch as far as to include vessels, as they are typically “used for industrial or trade purposes. This may be farfetched, but it highlights the need to clarify this Rule and definition.</p> <p>To support the preference for a permitted standard, we draw attention to the drafting in Rule 66 of the current Wellington Regional Coastal Plan and the useful condition it employs:</p> <p><i>“The venting of draignage systems, not including the venting of trade wastes or sewage conveyance systems, is a Permitted Activity provided that the discharge complies with the conditions specified below.</i></p> <p>Conditions</p> <p><i>(1) The discharge shall not result in odour, gas, vapour or aerosols which are noxious, dangerous, offensive or objectionable to other users of the coastal marine area or adjoining land users as a result of its frequency, intensity or duration.”</i></p>
Rule 26 and 27 Exploration or appraisal well drilling		Support with Amendment	<p>We support these rules and activity classifications, but suggest the following amendments:</p> <ul style="list-style-type: none"> • To include the wording after point (a), Rule 26 “<u>.....unless the Applicant can show to the satisfaction of Council that drilling within these parameters would avoid any potential cumulative effects.</u>” • to align language in point (b) in Rule 26 by inserting “temporary exclusive” before “occupation of space in the common marine and

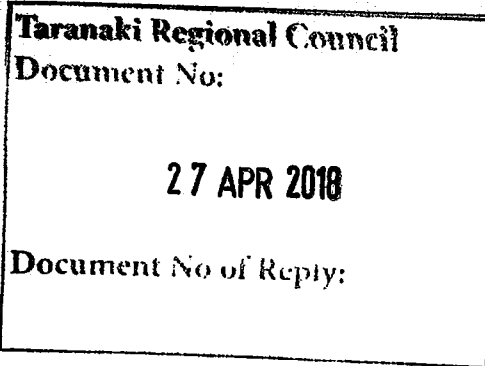
			coastal area". This would align with the use of "temporary exclusive" in Rule 27.
General Standards, Section 8.6(d)	This has changed the noise limits under (d) 10pm to 7am is now 40 dB LAeq, previously this would have been 45 dBA L10.	Neutral	We are unaware of issues with the current limit of 45 dBA that warrants the proposed stricter condition.
Definition of Regionally important infrastructure	"Regionally important infrastructure means infrastructure of regional and/or national importance and is: facilities and arterial pipelines for the supply or distribution of minerals including oil and gas and their derivatives"	Support with amendment	We recommend that 'storage' is included in the definition to cover storage tanks, i.e. amend to "supply, <u>storage</u> , or distribution"

PEPANZ supports all other petroleum-related provisions in the Proposed Plan that are not explicitly mentioned in the above table.

ItemEditForm - SubmittedFormField

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

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Certificate: 817117
maiohakelly@gmail.com

22. April. 2018

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

Re: Submission on the Taranaki Proposed Coastal Plan

Introduction

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

Submission

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

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

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

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

Lastly, PBR support the submission by Surfbreak Protection Society.

Conclusion

PBR wish to be heard in support of our submission

Yours sincerely

Maioha Kelly

Vice President

**SUBMISSION OF PORT TARANAKI LIMITED TO THE PROPOSED COASTAL PLAN FOR
TARANAKI**

Form 5 Submission on notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Taranaki Regional Council

Name of submitter: Port Taranaki Limited (PTL)

1. **This is a submission on the following proposed plan (the proposal):** Proposed Coastal Plan for Taranaki
2. **PTL could not gain an advantage in trade competition through this submission.**
3. **The specific provisions of the proposal that PTL's submission relates to are those referred to attachments 1 and 2, including provisions in the following sections:**
 4. Objectives
 5. Policies
 8. Regional Rules
 9. Financial contributions
 - Definitions
 - Schedules and Appendices
 - Maps
4. **The general and specific reasons for PTL submission and relief sought are set out in Attachments 1 and 2.**
5. **PTL seeks the following decision from the Taranaki Regional Council:**

The relief as set out in Attachments 1 and 2.

Any other similar relief that would address PTL's concerns set out in this submission.
6. **PTL wishes to be heard in support of the submission.**
7. **If others make a similar submission, PTL will consider presenting a joint case with them at a hearing.**

Signature of submitter

(or person authorised to sign on behalf of submitter)

A handwritten signature in black ink, appearing to read 'Guy Roper', with a long horizontal stroke extending to the right.

Guy Roper
Chief Executive Officer

Date 27 April 2018

Address for service:

Port Taranaki Limited

2-8 Bayly Road | PO Box 348 | New Plymouth 4340
Telephone +64 274 884242

Contact person: Guy Roper

E: guyr@porttaranaki.co.nz | w: www.porttaranaki.co.nz

Attachment 1: Submission of Port Taranaki to the Proposed Coastal Plan For Taranaki

A. Overview and General Reasons for Submission

The Port - Overview

1. Port Taranaki is a major user of the coastal marine area. It is the only deep water seaport on New Zealand's West coast. It occupies a strategic location in the coastal environment, connecting New Plymouth with the rest of New Zealand and international markets. The Port is a significant business and comprises strategic infrastructure that supports, facilitates and contributes to the social and economic wellbeing of the local, regional and national community. It is the third largest port in New Zealand by volume, and facilitates and creates future wealth for the region by the provision of long term infrastructure. Economic reports have shown that Port Taranaki is a key participant in industries and activities that account for 43% of regional GDP.
2. The Port is located west of New Plymouth. The suburbs of Moturoa, Blagdon and Lynmouth are located south of the Port. There is existing rail and road infrastructure servicing the Port. There are two existing breakwaters located on the eastern and western sides of the Port.
3. Port Taranaki has nine fully serviced berths which provide for a variety of cargoes and vessels. The Port is a servicing base for sea transport and related industries and provides related maritime, support and heavy lift services for offshore and onshore oil exploration in the Taranaki region.
4. The Port has land and water capacity to service ships that support the industries of the hinterland that generate the regions GDP. As the size of ships accessing the Port grow, Port Taranaki must be able to provide for larger vessels. Port Taranaki's ability to support larger vessels and the need to maintain cargo separation is threatened by the lack of land immediately adjacent to the main breakwater and in particular, to support cargo aggregation and transfer.
5. The Port contends with the predominance of the west coast weather patterns and in the interests of safety and efficiency is evaluating and deploying new technology to underpin operating standards on land and water. An example of this is recent introduction of ship dampening technology supplied by Shore Tension Systems.
6. Port Taranaki (PTL) has investigated a number of development options that are intended to enable the effective and efficient use over the longer term of the sheltered water enclosed by the breakwaters. PTL recently increased its access channel depth to 14m below chart datum in order to handle the larger bulk and dry bulk cargo vessels now routinely in use.

Giving effect to the Higher Order Planning Documents (NZCPS and RPS)

7. The Proposed Coastal Plan (PCP) must give effect to the higher order planning documents prepared under the Resource Management Act 1991 (RMA). The relevant higher order planning documents include:
 - The New Zealand Coastal Policy Statement (2010), and
 - The Regional Policy Statement for Taranaki (2010).

8. PTL acknowledges the work that has gone into updating the Coastal Plan to give effect to the NZCPS.
9. Policy 9 of the New Zealand Coastal Policy Statement (NZCPS 2010) recognises the importance of Ports to the national economic well-being and seeks to provide for ports as legitimate and strategic part of national infrastructure. In particular, the NZCPS provides for the safe and efficient operation of ports and development of their capacity for shipping and connections with other transport modes. It is not just the maintenance of existing ports and their current footprint that is provided for; it is also anticipated that ports will need to develop their capacity for shipping and keep abreast of international and national commercial challenges to operate efficiently and effectively. It is absolutely essential that Port Taranaki keeps pace with environmental, technological and commercial changes in the maritime sector.
10. The Regional Policy Statement for Taranaki (RPS) provides for Port Taranaki as regionally significant infrastructure. In addition, the Coastal Natural Character Policy for Port Taranaki (CNC Policy 3) states that:

“Appropriate recognition should be given to Port Taranaki to ensure its efficient operation and enable appropriate development and diversification to occur to meet changing needs”
11. New technology will continue to be evaluated (such as shore tension) that allows for alternative measures to the option of breakwater extension to be explored. However, future extensions to the breakwaters needs to be retained as a possibility and part of the community conversation.

Consultation Process

12. PTL has appreciated the opportunities provided by the Taranaki Regional Council (TRC) to engage in pre-consultation on the draft plan and has found the process very helpful in informing the views expressed in this submission.
13. The Port also has a regular discussion with port users through a formally constituted body (PAMI).

Summary of Key Issues

14. Policy provisions in respect to the regional surf breaks are a key issue for PTL. PTL strongly believes there is opportunity for the Port and surfers to co-exist and seeks a process that enables PTL to work with the community through these matters.
15. Another significant issue is the continued enabling of PTL to maintain and construct coastal protection works. This is seen as increasingly important as climate change and sea level rise change the nature, frequency and extent of coastal hazards that may affect the Port.
16. Overall PTL consider it important to be able to facilitate and execute developments that enable the port, business and the broader community to co-exist in a mutually beneficial manner.

17. Notwithstanding the general issues raised above, the specific submission issues are identified in Attachment 2.

18. For each of the matters identified in Attachment 2, PTL also seeks any consequential amendments to objectives, policies and rules required to give effect to the submission and to provide a clear and consistent plan.

B. The specific areas of concern to PTL outlined in Attachment 2 cover the following sections of the Plan:

Section 4 Objectives

Section 5 Policies

Section 8 Regional Rules

Section 9 Financial Contributions

Definitions and acronyms

Schedules

Maps

Attachment 2: Table of Specific Comments and Amendments Sought to Provisions of the Proposed Coastal Plan (PCP) - 27 April 2018

SECTION	PROVISION	COMMENTS ON PROPOSED PROVISIONS	RELIEF SOUGHT
Part 1 Introduction	1.7.4	Port Taranaki limited (PTL) supports this clause and the identification of the Port Coastal Management Area.	Retain section 1.7.4
Part 4 Objectives			
	Objective 2 Appropriate use and development	While PTL recognises that the objectives in Section 4 are high level, it is considered that this objective does not appropriately recognise the strategic importance of infrastructure such as Port Taranaki, and the need to be able to further develop the Port and other regionally significant infrastructure.	Add a new objective or amend Objective 2 to specifically address provision for ongoing development of strategically significant regional and national infrastructure, including Port Taranaki at the objective level, to give effect to the Regional Policy Statement.
	Objective 3 reverse sensitivity	The port generally supports this objective.	Retain objective 3
Part 5 Policies			
	Policy 1 Coastal management areas	PTL generally supports this policy, but is unsure about the significance or need to include clause (e)(v).	Delete clause (e)(v) unless it can be shown that it is significant or relevant to the implementation of the PCP.
	Policy 5 Appropriate use and development of the coastal environment	PTL supports this policy in part. In particular PTL supports the recognition given to activities that have a functional need to be located in the coastal environment. However, PTL is concerned that in respect to public access, the policy fails to recognise important security issues facing ports worldwide, and the public safety issues which might mean providing	Amend clause (g) by adding after the word recreation <u>unless the type of activity, and the need to maintain public safety, makes enhancement or restoration of public access inappropriate.</u>

		for public access is inappropriate.	
	Policy 6 Activities important to the well-being of people and communities	PTL supports this policy but considers that the wording needs to be more carefully tied to the definition of regionally important infrastructure.	Amend the policy to better reflect the intention to capture regionally important infrastructure as defined in the definitions section.
	Policy 19 Surf breaks and Significant Surfing area	PTL supports the inclusion of an exception to clause (b) which provides for avoiding adverse effects on all regionally significant surf breaks, identified in Schedule 7 where the activity is necessary for the provision of regionally important infrastructure. However, the policy includes a proviso to this exception which appears to negate the benefit of having the exception. This proviso requires that the avoidance of effects is not possible. It is considered that this sets an ambiguous and potentially unachievable standard, or at the very least could lead to unrealistic expectations or interpretation. Should PTL need to develop its breakwaters in the future, it would prefer that the policy allowed a dialogue with the community so that the port and surfers can co-exist.	Amend clause (b) to read as follows: (b) avoiding adverse effects on all regionally significant surf breaks, identified in Schedule 7, that are outside the Significant Surfing Area; unless the activity is necessary for the provision of regionally important infrastructure, avoidance of effects is not possible , and adverse effects are remedied or mitigated;
	Policy 38	Many of PTL's structures are designed for permanence and it is not a practical consideration for them to be designed at the outset for decommissioning or removal. The materials used in port structures are usually steel and concrete (e.g. piles) means the ability to build flexibility in the original design is limited.	Provide an exception to this policy for new port structures intended to be permanent.
Part 8 Regional rules			

8.1 Discharges			
	Rule 11 Abrasive blasting discharges	This activity is a full discretionary activity, however, within the Port Coastal Management area the effects of this activity are well known and understood.	Amend to controlled activity status and draft an appropriate set of matters over which control shall be restricted to.
	Rule 15 and Rule 16 Storage or transfer of cargo materials within the Port Air Zone – permitted activity	This rule provides for the discharge to air of contaminants from the storage and transfer of cargo within the Port Air Zone as a permitted activity and includes dust discharges to air from products such as animal feed that is transferred from ships via ships cranes to the wharves. The operative Coastal Plan provides for the discharge of this product in these same circumstances to air and water via General Rule G2.11 (a). This rule has not been translated across to the Proposed Coastal Plan. It is considered that the effect on the environment from the discharge of contaminants from the storage and transfer of animal feed cargo to air and water in the Port Air Zone is minimal and is essentially fish feed.	<ol style="list-style-type: none"> 1. Amend Rule 15 to read as follows: Storage and transfer of cargo materials within the Port Air Zone involving discharge of contaminants to air and water. 2. Amend the standard/terms/conditions to refer to discharges to water as per G2.11 of the operative Plan. 3. Amend Rule 16 accordingly to refer to water as per above. <p>Alternatively, provide an exception for contaminant discharges from storage and transfer of animal feed cargo to water from storage and transfer to/from ships to wharves. This could be a rule placed before Rule 13.</p>
8.2 Structures and occupation			
	Rule 18 Outfall Structures	The permitted conditions require that the maximum diameter of an outfall structure be 150mm. This is considered to be a very low threshold, 300mm would be more reasonable alongside all the other conditions imposed.	Amend clause (a) to read as follows: (a) structure has a maximum internal diameter of 150 300 mm and extends a maximum of 0.5m seaward of the line of mean high water springs;
	Rule 25 Hard protection structure erection or placement – discretionary activity	The draft New Plymouth District Plan provides permitted activity status to the Taranaki Regional Council and the New Plymouth District Council for flood protection structures (ref rule CE R6). Port Taranaki has submitted that it be added as an organization able to undertake flood protection	<ol style="list-style-type: none"> 1. Provide for hard protection structures within the Port Coastal Management Area as a controlled activity. 2. Provide for other structures, not provided for in rules 18-32), within the Port Coastal Management Area as controlled activities; and

	And Rule 33 Other structures – discretionary activity	structures within the port concept plan area. As climate change and sea level rise continues and more frequent storms cause overtopping of the break waters the Port will need to take a proactive approach to protecting its assets within the Port Coastal Management Area. Full discretionary activity status for these activities will not enable agile responses and may hinder the ability of the PTL to protect its assets and the community.	provide an exception for PTL within the Port Coastal Management Area for flood protection structures (similar or same definition as in the draft New Plymouth District Plan) to be permitted activities. 3. Any consequential amendments required to other rules to give effect to this submission. 4. Any consequential amendments required to objectives and policies to give effect to this submission.
	Rule 35 Structure maintenance, repair or minor alteration	The port has been inadvertently left off the coastal management areas to which this rule applies. See rule 39 specifically for the port which references rule 35. This rule could then be used to replace akmons after storms have displaced them as a permitted activity, for instance. It is also unclear what a minor alteration in terms of this rule will allow, and may result in arbitrary decisions on whether the activity is permitted.	1. Add the Port Coastal Management area to this rule; 2. Clarify the rule to enable clear determination of minor alteration as a permitted activity. 3. Any consequential amendments required to rules to give effect to this submission. 4. Any consequential amendments to objectives and policies to give effect to this submission.
	Rule 36 Hard protection structure repair, alteration, extension or removal and replacement.	As per Rule 25, it is considered necessary to provide a more certain consenting pathway for the repair, alteration, extension or removal and replacement of existing lawfully established hard protection structures for the reasons given for Rule 25.	1. Provide for repair, alteration, extension or removal and replacement of existing lawfully established hard protection structures within the Port Coastal Management Area as a controlled activity. 2. Any consequential amendments required to other rules, objectives and policies to give effect to this submission. 3. Provide a non-notification clause.
	Rule 42 Other structure repair, alteration, extension or	The Port has considerable infrastructure investment in the Port Coastal Management Area and it is important that it has certainty in respect to repair, alteration, extension or removal and replacement of	1. Insert a new rule specifically for the Port Coastal Management area and in respect to port activities providing controlled activity status for other structure repair, alteration, extension or removal

	removal and replacement that is not provided for in Rules 35 to 41	structures that it is responsible for. It is considered appropriate that the activity status of this rule for port activities should be controlled rather than full discretionary.	and replacement that is not provided for in Rules 35 to 41 2. Make any consequential amendments to other rules and objectives and policies to give effect to this submission. Alternatively provide another rule structure or amendments/additional rules, to rules 35-41 that delivers the same result for the Port.
	Rule 45 Structure removal or demolition explosives	Reference to Rule 45 below (d) in the left hand column is incorrect.	Amend to read 44, (or other correct number once the plan numbering is complete).
	Rule 50 Other occupation that is not provided for in Rules 47 to 49	Reference to Rule 50 in the left hand is incorrect.	Amend to read 47-49 (or other correct number once the plan numbering is complete).
8.6 General Standards	Noise	The review of the PCP has provided the opportunity to use consistent parameters and standards for noise management in the Port irrespective of where the noise is generated. The New Plymouth District Plan utilizes the Port Noise Standard. PTL supports the application of the Port Noise standard NZS 6809 to noise controls in the PCP and considers that maintaining consistency between the provisions in the New Plymouth District Plan and the Proposed Coastal Plan as both go through its review process is required.	Retain the noise provisions in the plan based on implementation of the Port Noise Standard. Retain consistency of provisions between the New Plymouth District Plan and the Proposed Coastal Plan as each go through their respective review processes.
Part 9 Financial contributions	9	PTL generally supports the use of financial contributions for the purpose of ensuring positive effects on the environment to mitigate adverse	Retain section 9 Financial contributions, but amend the title to make it clear that compensation will still be available throughout the life of the Plan beyond 18 April 2022. A

		<p>effects, and is supportive of compensation and /or off sets for similar purposes. The changes to the RMA are acknowledged, which will mean that Council's are no longer able to require financial contributions under the RMA from 18 April 2022. PTL supports the on-going use of similar contributions beyond this time through mutually agreed consent conditions.</p> <p>9.1 sets out the purposes for which financial contributions may be imposed. In a number of places that is limited to the site or the same general locality or adjacent sites. In some instances environmental compensation may be agreed between the Council and an applicant in the resource consent process that may not be at the same site, adjacent or same general vicinity as that may not be practicable. PTL seeks a clause that contemplates environmental compensation that may be wider afield than the immediate/adjacent site or surrounding area.</p>	<p>suggested title is: 9 Financial contributions and environmental compensation.</p> <p>9.1 Purpose Amend Section 9.1 and clauses 9.1.1-9.1.8 to include wording that contemplates environmental compensation that may be applied wider afield than the immediate/adjacent site or surrounding area.</p>
Definitions and acronyms	Well (and Rules 26/27)	The definition of well does not include drilling a well/bore for the purpose of geotechnical investigation, and appears to relate entirely to holes drilled for the purpose of exploring, appraising or extracting hydrocarbons. This means that the activity slips through both Rule 26 and 27.	Extend the definition of well/bore to include wells for other purposes, including for the purposes of geotechnical investigations; and provide a rule that permits test bores/wells for geotechnical investigative purposes (subject to permitted conditions).
List of schedules			
	Schedule 7A Nationally and Regionally Significant Surfing Areas	It is noted that an additional surf break in the Port vicinity has been added to the list of regionally significant surf breaks, being 'Breakwater', located at the end of the Main Breakwater. PTL does not support the inclusion of this additional surf break and would like to understand why this surf break has been included.	Delete the "Breakwater" surf break from the list of regionally significant surf breaks, and delete references to it on the maps. Note this relief sought has been included as a placeholder until further information has been obtained on this surf break.

	Schedule 8	Wharf areas within the Port Air Zone are not clearly shown on the map in schedule 8.	Amend Schedule 8 to show that the wharves are clearly included in the Port Air Zone and correspond to the online maps for the Port Air Zone.
PDF Maps/online maps	Map 13/online maps	<p>This map does not clearly show the Port Air Zone.</p> <p>PTL was unaware of the identification of the “Breakwater” surf break as a regionally significant surf break and does not support its inclusion as a regionally significant surf break.</p>	<ol style="list-style-type: none"> 1. Amend map 13 to show that the wharves are clearly included in the Port Air Zone and correspond to the online maps for the Port Air Zone. 2. Delete the “Breakwater” as regionally significant surf break from map 13 and online map. Note this relief sought is a placeholder until PTL has further information on this surf break.



**SUBMISSION ON THE PROPOSED COASTAL PLAN FOR TARANAKI PURSUANT TO
CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991**

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File: 16/093.1

A. INTRODUCTION

1. Powerco Limited (*Powerco*) is New Zealand's largest electricity and second largest gas distributor in terms of network length and has been involved in energy distribution in New Zealand for more than a century. The Powerco network spreads across the upper and lower central North Island servicing over 400,000 consumers. This represents 46 percent of the gas connections and 16 percent of the electricity connections in New Zealand. These consumers are served through Powerco assets including over 30,000 kilometres of electricity lines (including overhead lines and underground cables) and over 6,200 kilometres of gas pipelines.
2. Powerco has electricity sub-transmission and distribution networks as well as gas distribution within the Taranaki Region. It supplies a range of users along the coast, including those in major urban areas such as New Plymouth, as well as smaller settlements.
3. Under the RMA, Powerco's electricity and gas infrastructure is a significant physical resource that must be sustainably managed and any adverse effects on it must be avoided, remedied or mitigated.
4. Powerco's network is not covered by the National Policy Statement on Electricity Transmission 2008, which is limited only to Transpower's electricity network – the National Grid. Notwithstanding that, many of the issues for Powerco are the same or similar as for the National Grid. The National Environmental Standards for Electricity Transmission Activities 2009 similarly only applies to the National Grid.
5. Powerco's gas and electricity networks are recognised in the Taranaki Regional Policy Statement (*RPS*) as regionally significant infrastructure. It is appropriate that their management is comprehensively addressed in the Proposed Coastal Plan for Taranaki (*PCP*).
6. Powerco's assets are primarily, but not exclusively, located outside the Coastal Marine Area (*CMA*). In particular Powerco's overhead lines span the CMA at several points along the coast. Powerco also has a range of assets in the wider coastal environment. The nature and extent of these assets is unclear as the coastal environment has not been mapped in the PCP.
7. Powerco seeks to ensure that the PCP provides appropriately for electricity and gas distribution and sub-transmission activities, including the ongoing operation, maintenance, upgrading and development of its network without any unnecessary constraints. Of particular relevance to this matter, this requires:
 - Provision for the ongoing maintenance, repair, and upgrading of existing gas and electricity assets, including in sensitive coastal management areas;

- Provision for establishment of new network infrastructure when and where required, having regard to (inter alia) the extent to which any adverse effects have been avoided, remedied or mitigated; and
- Protection of gas and electricity distribution network infrastructure from activities and development within close proximity.

B. THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN THAT POWERCO'S SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:

8. This submission relates primarily to Sections 4 (Objectives), 5 (Policies) and 8 (Regional Rules) as well as the proposed definitions of the PCP.
9. The rationale for Powerco's submission on each of these matters, the specific provision submitted on and the relief sought is set out in the attached schedules. Deletions to proposed provisions are in strikethrough and additions in underline.
10. In addition to the specific outcomes sought in the attached Schedules, the following general relief is sought:
 - (a) Achieve the purpose and principles of the Resource Management Act 1991 (RMA) and consistency with the relevant provisions in Sections 6 - 8 RMA;
 - (b) Give effect to the New Zealand Coastal Policy Statement (NZCPS) and the RPS;
 - (c) Assist the Council to carry out its functions of achieving the integrated management of the effect of the use, development or protection of land;
 - (d) Meet the requirements of the statutory tests in section 32 of the RMA;
 - (e) Avoid, remedy or mitigate any relevant and identified environmental effects;
 - (f) Make any consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the PCP that are not specifically subject of this submission but are required to ensure a consistent approach is taken throughout the document; and
 - (g) Any other relief required to give effect to the issues raised in this submission.

C. POWERCO WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION

D. IF OTHERS MAKE A SIMILAR SUBMISSION, POWERCO WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.

E. POWERCO COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

F. POWERCO ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT-

- i. ADVERSELY AFFECTS THE ENVIRONMENT; AND**

**ii. DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE
COMPETITION.**

Signed on behalf of Powerco Limited

A handwritten signature in black ink, appearing to read 'M. Laurensen', with a long horizontal flourish extending to the right.

Mark Laurensen
Senior Planner

Dated this day of 27 April 2018

SCHEDULE ONE DEFINITIONS

A. The specific definitions of the PCP subject of this submission are:

- Coastal environment, which is opposed
- Functional need, which is proposed
- Maintenance, which is supported in part
- Repair, which is opposed
- Structure, which is supported
- Network utility, which is supported
- Regionally important infrastructure, which is supported
- Reverse sensitivity, which is supported in part

B. The reason for the submission:

Coastal Environment

Coastal environment means the areas where coastal processes, influences or qualities are significant, including lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these and includes the coastal marine area.

It is neither efficient nor effective to require the coastal environment to be defined on a case by case basis as required by the proposed definition and Policy 4 (Extent and characteristics of the coastal environment). Such an approach will lead to significant costs and uncertainties, including disputes as to whether the PCP is even relevant to particular activities.

The proposed definition does not give effect to Policy 1 of the NZCPS which addresses the extent and characteristics of the coastal environment. In particular the proposed definition is inappropriately focused on matters addressed at (2)(a) and (2)(c) of Policy 1 to the NZCPS. In doing so the proposed definition fails to recognise the range of other areas and features which are relevant to the extent and characteristics of the coastal environment, for instance areas at risk from coastal hazards and physical resources and built facilities that have modified the coastal environment, including infrastructure.

The definition should be deleted and replaced with a definition which relies on appropriate mapping of the coastal environment. The following is proposed:

Coastal environment means all of the coastal marine areas, land inland to the point defined on the maps at Schedule X, the natural and physical resources within it, and the atmosphere above it.

Decisions on the PCP should not be issued until the coastal environment has been mapped and consulted upon. That will enable any debate as to the extent of the coastal environment to be had in the appropriate forum: the Plan review process.

Functional need

Functional need is used in the PCP but not defined.

Policy 6 of the NZCPS addresses activities in the coastal environment. Policy 6(2)(d) recognises that activities that do not have a functional need for location in the coastal marine area **generally** should not locate there (emphasis added). This policy, in its use of the term 'generally', is not absolute and the NZCPS envisages certain activities such as infrastructure locating within the coastal environment including, as is relevant in this case, the coastal marine area whether, or not, they may have a strictly functional need to locate there.

Electricity or gas network infrastructure, or other lineal infrastructure networks, may have a locational or operational need or requirement to traverse, locate or operate in the coastal marine area such as in instances where a cable, line or pipeline is required to supply areas within and alongside the coastal environment, or where they need to traverse the CMA. However, unlike a wharf, electricity and gas infrastructure can be located in a range of environments, it does not have to be in the CMA, and as such may not be considered to have a strict functional need to be in the CMA.

A new definition of functional need is proposed to help recognise that there are a range of activities that need to be located in the coastal environment, including the CMA. For Powerco, this is primarily infrastructure necessary to enable the effective and sustainable distribution of gas and electricity.

The following definition is proposed:

Functional need means a requirement for a proposal or activity to traverse, locate or operate in the coastal environment.

Maintenance, Repair, and Structure

Maintenance in relation to structures, includes activities which restore a structure or asset to its original authorised standard and purpose, and where the character, intensity and scale of the structure, asset or site remains the same or similar. It excludes the extension or repair of structures or assets, or change in location.

Repair means reconstruction.

Structure means any building, equipment, device or other facility made by people and which is fixed to land; and includes any raft.

Powerco's assets are primarily but not exclusively located outside the CMA. Powerco needs the ability to operate, maintain, and upgrade and develop its assets in both the CMA (primarily overhead lines) and within the coastal environment landward of the CMA (which potentially includes the full range of Powerco's gas and electricity assets).

Much of the maintenance work undertaken by Powerco arises when it has to replace older equipment with the modern equivalent or to replace a piece of equipment that is no longer working or is a safety risk. In requiring maintenance activities to restore an asset to its original authorised standard, the inference is that maintenance which is required to bring a standard up to a new standard is not provided for. This is opposed but could be readily addressed. Amendments are proposed below to help recognise that minor changes in alignment and positioning of network utility assets is appropriate.

Maintenance in relation to structures, includes replacement, repair, or renewal, activities for the purpose of keeping a structure in good condition and/or working efficiently ~~which restore a structure or asset to its original authorised standard and purpose~~, and where the character, intensity and scale of the structure, or asset or site remains the same or similar. In relation to network utilities it includes the addition of extra lines. It excludes the extension ~~or repair~~ of structures or assets, or change in location.

Powerco also opposes the definition of repair as reconstruction which is not its ordinary meaning and will create confusion for plan users and is inappropriate. Repairs are a type maintenance activity and the standalone definition should be deleted.

The definition of structure is supported.

Network Utility

Network utility means any activity that a network utility operator would be authorised to carry out under section 166 of the Resource Management Act 1991.

The reliance on activities provided for under s166 RMA is supported.

Pipeline

Pipeline means a pipeline constructed or used to convey any matter or substance, and includes all machinery, tanks, and fittings connected to the pipeline.

The definition is supported as it recognises that pipelines are not limited to a pipe structure but require a broad range of ancillary equipment in order to function. In relation to Powerco's gas distribution assets, such ancillary equipment will include district regulator stations, gas measurement systems and pressure reducing stations.

Regionally important infrastructure

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

- (a) Port Taranaki and its approaches¹ and on-going development to meet changing operational needs;*
- (b) facilities and arterial pipelines for the supply or distribution of minerals including oil and gas and their derivatives;*
- (c) the national electricity grid, as defined by the Electricity Industry Act 2010;*
- (d) facilities for the generation and/or transmission of electricity where it is supplied to the national electricity grid and/or the local electricity distribution network, including supply within the local electricity distribution network;*
- (e) defence facilities;*
- (f) flood protection works;*
- (g) infrastructure associated with the safe and efficient operation of state highways and the rail network;*
- (h) strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001;*
- (i) strategic radio communications facilities as defined in section 2(1) of the Radio Communications Act 1989;*

¹ A map of Port Taranaki and its approaches is contained in Appendix 4 of the Plan.

- (j) New Plymouth airport, including flight paths;*
- (k) arterial pipelines and pumping stations for the distribution of potable water and water treatment plants; and*
- (l) arterial pipelines and pumping stations for the collection of wastewater and stormwater, and wastewater treatment plants*

The RPS addresses regionally significant infrastructure and recognises that some network utilities (which include the supply and distribution of gas and electricity) and other infrastructure are of national as well as regional importance. The phrase regionally significant infrastructure is not defined in the RPS.

As included above, the PCP defines regionally important infrastructure. It is not clear from the section 32 report that the use of this similar but distinct term has been adopted intentionally. Consistent terminology across the PCP and in other documents in the hierarchy would be preferable. Powerco's submission seeks to provide scope for such a change.

As drafted, Powerco's existing gas assets are provided for at (b) and electricity assets at (d). This is appropriate given the regional importance or significance of these activities and the definition should be retained as notified.

Reverse sensitivity

Reverse sensitivity refers to the effects of sensitive activities on other lawfully established activities in their vicinity.

A range of activities may be susceptible to reverse sensitivity effects. As drafted, it could be interpreted that only sensitive activities, for instance residential activities, care facilities, and the like could be affected in this way. This does not recognise that other activities may also be affected. Amending the definition as set out below would retain the intent of the definition but provide clarity and minimise potential for misinterpretation:

Reverse sensitivity refers to the potential for the operation of an existing effects of sensitive activities on other lawfully established activities to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the proposed activity. in their vicinity.

C. Relief sought (accepting that alternative wording may achieve the same intent):

- 1. Amend the definition of coastal environment to give effect to the NZCPS by making the following amendments, and by preparing and consulting on appropriate maps that identify the extent of the coastal environment, not just the CMA, prior to decisions on the PCP:**

~~Coastal environment means the areas where coastal processes, influences or qualities are significant, including lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these and includes the coastal marine area.~~

Coastal environment means all of the coastal marine areas, land inland to the point defined on the maps at Schedule X, the natural and physical resources within it, and the atmosphere above it.

- 2. Provide a definition of functional need as follows:**

Functional need means a requirement for a proposal or activity to traverse, locate or operate in the coastal environment.

- 3. Amend the definition of maintenance as follows:**

Maintenance in relation to structures, includes replacement, repair, or renewal, activities for the purpose of keeping a structure in good condition and/or working efficiently which restore a structure or asset to its original authorised standard and purpose, and where the character, intensity and scale of the structure, or asset or site remains the same or similar. In relation to network utilities it includes the addition of extra lines. It excludes the extension or repair of structures or assets, or change in location.

- 4. Delete the definition of repair and rely on its ordinary meaning.**
- 5. Retain the definitions of network utility, pipeline and structure as notified.**
- 6. Retain the definition of regionally important infrastructure.**
- 7. Ensure consistent use of the terms regionally important infrastructure and regionally significant infrastructure throughout the PCP.**
- 8. Substitute the term regionally important infrastructure for regionally significant infrastructure throughout the PCP to ensure consistency with the RPS.**

9. Amend the definition of reverse sensitivity as follows:

Reverse sensitivity refers to the potential for the operation of an existing effects of sensitive activities on other lawfully established activityies to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the proposed activity. ~~*in their vicinity.*~~

SCHEDULE TWO SCHEDULE 1 COASTAL MANAGEMENT AREAS AND SCHEDULE 2 COASTAL AREAS OF OUTSTANDING VALUE

A. The specific parts of the PCP subject of this submission are:

- Schedule 1 and Schedule 2, which are opposed in part

B. The reason for the submission:

Powerco seeks to ensure that the spatial extent of the coastal management areas are mapped appropriately, namely the outstanding areas and the modified and unmodified estuaries, referred to collectively below as the sensitive areas. This is particularly important where there is significant existing development in these sensitive areas, for instance overhead electricity lines and roads as well as significant built development and farmland. While some of this development is landward of the CMA and will therefore not be subject to the rules of the PCP, it is likely to be considered within the coastal environment and therefore the objectives and policies of the PCP will apply in these areas. Noting the strong direction in the NZCPS, activities in these sensitive areas may be subject to potentially significant constraints where they are not permitted activities.

If the revised mapping demonstrates that the sensitive areas do in fact encompass areas of significant development, including existing infrastructure and network utilities, Powerco seeks that the existence of these features is clearly recognised in the corresponding descriptions of the characteristics that make up these areas, for instance at section 1.7, Policy 1, and Schedule 2. This is primarily to ensure that there is an appropriate policy framework to support the ongoing operation, maintenance and upgrading of this existing infrastructure, noting that these features are part of the existing environment and that these activities have not precluded the classification of these areas.

Powerco does not consider that the sensitive areas have been appropriately mapped at a number of locations. For example, the Kaupokonui Estuary is proposed as a new ONFL. The aesthetic and scenic values of the site are assessed at Schedule 2 of the PCP as very high with the values and characteristics described including the 'low impact recreation and camping facilities' and 'the camping ground and associated buildings remain low impact and ensure the coherence of natural values in the area are retained'. As mapped, the ONFL includes significant built development associated with

existing use of the area for recreation. This includes a sealed access road, a number of holiday homes, and a motorcamp, including powered and unpowered sites, cabins, a playground, and an ablution block, presumably with a wastewater discharge. Powerco provides electricity to the area via overhead lines within the ONFL (but outside the CMA). There is an existing pedestrian bridge across the river mouth and a significant area of the mapped ONFL is farmland. Powerco does not consider that this area constitutes an ONFL, at least not beyond the CMA.

The ONFLs at the mouths of the Mahakatino and Tongaporutu Rivers also encompass overhead electricity infrastructure and State Highway 3 (SH3), including within the CMA. While Powerco does not have assets in this northern part of the region, they provide another example of where it is very difficult to align the existing environment with the description in Schedule 2 which describes the aesthetic and scenic values of these estuaries as highly natural and scenic and does not reference this regionally important/significant infrastructure.

Powerco also questions the classification of the Onaero Estuary as an unmodified estuary. The identified area encompasses two river crossings seaward of the SH3 bridge as well as overhead electricity lines spanning the estuary. It is very difficult to align this with an unmodified estuary classification. As Powerco's lines spanning the estuary are located within the CMA, the PCP rules will apply to them.

Urenui Estuary is similarly mapped as an unmodified estuary. Powerco has overhead lines crossing a discrete part of this estuary which sits adjacent to significant urban development at Urenui. Again this does not appear to necessarily support an unmodified estuary classification.

Powerco also has assets located within the Patea modified estuary. They are located immediately south of the existing bridge, roughly overhead of the remnants of an older bridge. The identified area should be revisited to ensure the landward extent of the modified estuary coastal management area is appropriate, noting that it could be readily adjusted to exclude this existing infrastructure and that the boundary of the management area does not have to align with the boundary of the Coastal Marine Area.

Maps showing Powerco's assets in these sensitive areas are included at Annexure 1.

C. Relief Sought:

- 10. Modify the maps at Schedules 1 and 2 to ensure that the extent of sensitive coastal management areas are appropriate having particular regard to existing infrastructure, including roads and overhead electricity lines.**
- 11. Amend the corresponding descriptions of the coastal management areas throughout the PCP to recognise existing infrastructure in these sensitive areas to ensure it can be operated, maintained, and upgraded as appropriate.**

SCHEDULE THREE
SECTION 1 INTRODUCTION AND SECTION 2 STATUTORY AND PLANNING FRAMEWORK

A. The specific parts of the PCP subject of this submission are:

- Geographic extent (section 1.4.1 of the PCP), which is supported
- Coastal environment (section 1.4.2 of the PCP), which is supported
- Coastal management areas (section 1.7 of the PCP), which is supported in part
- NZCPS (section 2.2 of the PCP), which is supported in part

B. The reason for the submission

Section 1.4.1 Geographic extent and Section 1.4.2 Coastal environment

The clarification at section 1.4.1 that the objectives, general policies and methods (excluding rules) address not only the coastal marine area but the wider coastal environment is supported. As set out at 1.4.2, Powerco recognises the integrated nature of the wider coastal environment and that the plan includes provisions that apply across the coastal environment. Powerco supports the recognition that the rules of the Plan however only apply in the CMA. However, as set out with regard to the definition of coastal environment, Powerco considers that the coastal environment needs to be mapped.

Section 1.7 Coastal management areas

Powerco supports the principle of the five coastal management areas comprising Outstanding Value, Estuaries Modified and Unmodified, Port and Open Coast. It is appropriate that particular areas are identified for their respective characteristics and that different provisions apply accordingly.

Within the text relating to the Port and Open Coast areas specific reference is made to the presence of regionally important infrastructure. This is supported. As addressed in detail at Schedule Two of this submission, Powerco has assets located in areas of outstanding value and estuaries both modified and unmodified. It is necessary to at least refer to the presence of existing infrastructure in the broad descriptions of these coastal management areas. Without such reference it may be interpreted that these areas do not and should not contain infrastructure and this is not appropriate. This could be achieved by adding the following to each of the three sensitive areas listed:

These areas may contain regionally important infrastructure.

Section 2.2 NZCPS

Section 2.2 is supported however specific reference to infrastructure is appropriate in light of the direction provided by the NZCPS and RPS in this regard

The provision of infrastructure together with consideration of other values of the coastal environment is a key consideration in terms of providing for use and development. The provision of electrical and gas infrastructure to provide security of supply throughout coastal areas and the region as a whole is important to the social, economic and cultural well-being of people and communities.

This could be addressed by adding an additional bullet point as follows:

Recognising and providing for infrastructure

C. Relief sought (accepting that alternative wording may achieve the same intent):

12. Retain sections 1.4.1 and 1.4.2 as notified.

13. Retain section 1.7, including the five coastal management areas, subject to an amendment to ensure that the presence of existing infrastructure in all of these areas is appropriately recognised. This could be achieved by adding a sentence to paragraphs 1.7.1 to 1.7.3 as follows:

These areas may contain regionally important infrastructure.

14. Retain section 2.2 subject to an amendment to specifically recognise and provide for infrastructure.

Recognising and providing for infrastructure

SCHEDULE FOUR SECTIONS 4 AND 5 OBJECTIVES AND POLICIES

A. The specific parts of the PCP subject of this submission are:

- Objective 1, which is supported
- Objective 2, which is supported
- Objective 3, which is supported in part
- Objective 6, which is supported
- Objective 7, which is supported
- Objective 8, which is opposed in part
- Policy 1, which is supported in part
- Policy 2, which is supported in part
- Policy 4, which is opposed
- Policy 5, which is supported in part
- Policy 6, which is supported in part
- Policy 7, which is opposed in part
- Policy 8, which is supported in part
- Policy 9, which is supported in part
- Policy 10, which is supported
- Policy 14, which is opposed in part
- Policy 15, which is supported
- Policy 17, which is supported
- Policy 18, which is supported
- Policy 19, which is supported
- Policy 31, which is supported
- Policy 32, which is supported
- Policy 36, which is supported
- Policy 37, which is supported in part
- Policy 41, which is supported

B. The reason for the submission

Powerco is concerned that a number of objectives and policies paraphrase the RMA and the NZCPS and may be perceived as not giving effect to the NZCPS. In light of recent case law, Powerco seeks to ensure that the PCP gives effect to the NZCPS and provides appropriately for its activities, potentially including activities in sensitive management areas.

Powerco also seeks to ensure that the PCP gives effect to the RPS which recognises that Powerco's networks are regionally significant infrastructure. The RPS includes provisions which are of particular relevance to Powerco's networks, namely:

Objective 15.1 – To provide for the continued safe and efficient operation of the region’s network utilities and other infrastructure of regional significance (including where this is of national importance), while avoiding, remedying or mitigating adverse effects on the environment.

INF Policy 1 – Provision will be made for the efficient and effective establishment, operation, maintenance and upgrading of network utilities and other physical infrastructure of regional significance (including where this is of national importance), and provision for any adverse effects of their establishment to be avoided, remedied or mitigated as far as is practicable.

INF Policy 2 – The adverse effects of subdivision, use and development on the safety, efficiency, operation, maintenance and upgrading of the region’s network utilities and on other physical infrastructure of regional significance (including where this is of national importance), will be avoided or mitigated.

INF POLICY 4 - New land use generated by growth and development and the associated local, regional and national infrastructure to service that growth should be integrated and planned alongside one another to avoid either constraints being imposed on necessary growth and development by the lack of supporting infrastructure or to avoid unsustainable demands being placed on infrastructure to meet new growth.

Objective 1: Integrated management

Management of the coastal environment, including the effects of use and development on land, air and fresh water, is carried out in an integrated manner.

The proposed objective adds little to what is required by ss30(1)(a) of the RMA but is supported.

Objective 2: Appropriate use and development

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

Powerco has assets in the CMA and wider coastal environment which are essential to serve coastal communities. Powerco supports the recognition that there are activities that depend on the use and development of the coastal environment and these should be provided for. Powerco considers that in providing for the use of natural and physical resources of natural and physical resources the objective will support the continued operation, maintenance and upgrade of these assets.

Objective 3: Reverse sensitivity

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

Powerco supports the intent of this objective subject to minor changes to recognise the need to provide for the maintenance and upgrading of this infrastructure, not just its operation.

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

Objectives 6 and 7

Objective 6: *Natural character - The natural character of the coastal environment is preserved and protected from inappropriate use and development and is restored where appropriate.*

Objective 7: *Natural features and landscapes - The natural features and landscapes of the coastal environment are protected from inappropriate use and development.*

Objectives 6 and 7 add little to Policies 13, 14 and 15 of the NZCPS. In requiring preservation and protection of natural character objective 6 is directive and potentially has significant implications for activities in the coastal environment. However, the directiveness of the policy is tempered somewhat by only stipulating that this applies to ***inappropriate*** use and development. On this basis Powerco supports objective 6 and for the same reasons supports objective 7.

Objective 8: Indigenous Biodiversity

Indigenous biodiversity in the coastal environment is maintained and enhanced and areas of significant indigenous biodiversity in the coastal environment are protected.

Objective 8 directs that areas of significant indigenous biodiversity be protected and that other areas of indigenous biodiversity are maintained and enhanced. Powerco supports the intent of the objective but is concerned that areas of significant indigenous biodiversity are not mapped and therefore it is unclear whether these areas will intersect with its network and potentially its ability to operate, maintain and upgrade its assets. Powerco seeks to ensure that this objective, Policy 14 and corresponding rules do not unreasonably constrain the operation, maintenance, and upgrade of existing regionally important infrastructure.

Policy 1: Coastal management areas

Policy 1 recognises that different areas have values, characteristics or uses and that consequently different management measures are required. The policy lists these key management areas and their characteristics.

As set out at Schedule Two of this submission, Powerco has existing assets in areas of outstanding value and estuaries unmodified and modified. The existence of these assets is not reflected in the characteristics of outstanding value and estuaries unmodified although are reflected in terms of estuaries modified, at least in so much as matter (c)(i) refers to 'placement of structures'.

It is important that Powerco is able to operate, maintain and upgrade its assets in these areas and recognition that these areas include regionally important infrastructure is important to this.

To ensure this is provided for, Powerco seeks to have the existence of infrastructure in these areas explicitly recognised in Policy 1. The following addition is proposed at 1(a), 1(b) and 1(c):

These areas may contain regionally important infrastructure.

In addition, references to infrastructure at 1(d) and 1(e) should be retained as notified.

Policy 2: Integrated management

Policy 2 is supported subject to amendments to clause (f). In particular Powerco seeks that the reference to refer to functional need as defined in Schedule One of this

submission². The proposed definition provides certainty for plan users regarding what these functional needs are.

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

Policy 4: Extent and characteristics of the coastal environment

Determine the inland extent of the coastal environment for the purposes of policies under Section 5.1 of the Plan on a case by case basis by having regard to:

- (a) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas; and*
- (b) the geographic extent to which activities within the coastal marine area may cause adverse effects on significant values and characteristics landward of the coastal marine area.*

Policy 4 sets out that the coastal environment will be defined on a case by case basis.

As set out with regard to the proposed definition of coastal environment, it is neither efficient nor effective to require the coastal environment to be defined on a case by case basis. Such an approach will lead to significant costs and uncertainties, including disputes as to whether the PCP is relevant to a particular activity. The proposed policy is opposed and should be deleted and replaced with comprehensive mapping of the coastal environment, not just the CMA.

Policy 5: Appropriate use and development of the coastal environment

Retain Policy 5 subject to amendments to clause (a) and (b) to more clearly convey the intent of the policy.

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

² Functional need means a requirement for a proposal or activity to traverse, locate or operate in the coastal environment.

- (a) *the functional need for the activity to be located in the coastal marine area. Conversely, ~~Activities~~ that do not have a functional need to be located in the coastal marine area generally should not be located there (unless the non-marine related activity complements the intended use and function of the area);*
- (b) *the benefits to be derived from the activity at a local, regional and national level, including the potential contribution of aquaculture and marine based renewable energy resources;*
- (c) *the appropriateness of the proposed design, and methodology, and whether it is the best practicable option, location or route of the activity in the context of the receiving environment and any possible alternatives;...*

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

The intent of the policy 6 is supported subject to a minor amendment to specifically provide for the safe and efficient operation of infrastructure and give effect to Objective 15.1 of the RPS.

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

Policy 7: Impacts on established operations and activities

Objective 3 of the PCP requires protection of regionally important infrastructure from new or inappropriate use and development. In requiring the avoidance, remedy or mitigation of adverse effects, Policy 7 is noticeably less directive and does not give effect to the overarching PCP objective or Policy 1 of the RPS. The following is proposed:

~~Avoid, remedy or mitigate the adverse effects of activities, including reverse sensitivity impacts, on existing lawfully established activities~~ Restricting the establishment or intensification of activities that may result in reverse sensitivity effects by:

- (a) *Avoiding significant adverse effects on infrastructure of national or regional importance;*

(b) Avoiding, remedying or mitigating other adverse effects on infrastructure of national or regional importance;

(c) Avoiding, remedying or mitigating adverse effects on other activities.

Policy 8: Areas of outstanding value

Policy 8 relates to areas of outstanding value. Powerco has assets in the ONFL at Kaupokonui.

As set out at Schedule Two of this submission, the ONFL includes significant built development associated with existing use of the area for recreation. This includes a sealed access road, a number of holiday homes, and a motorcamp, including powered and unpowered sites, cabins, a playground, and an ablution block, presumably with a wastewater discharge. Powerco provides electricity to the area via overhead lines within the ONFL but outside the CMA. There is an existing pedestrian bridge across the river mouth and a significant area of the mapped ONFL is farmland.

In the first instance, Powerco seeks that the mapping is revisited. However, if the extent of the ONFL is retained, Powerco seeks to ensure that the presence of infrastructure is recognised and that Policy 8 enables its operation, maintenance, and upgrade. This could be achieved by amending Policy 8 as follows:

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

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

(i) having outstanding natural character; and/or

(ii) being outstanding natural features and landscape;

within or adjoining coastal management area – Outstanding Value; and

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

(c) recognising the need to provide for the ongoing operation, maintenance, and upgrade of existing infrastructure.

Policy 9: Natural character and natural features and landscapes

Similar changes are proposed to ensure the safe and efficient operation of regionally important infrastructure is recognised in other areas of natural character and natural features. This is appropriate given the importance of this infrastructure and the need to give effect to the NZCPS and RPS.

Protect all other areas of the coastal environment not identified in Schedule 2 by:

- (a) avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on natural character and natural features and landscapes by having regard to the extent to which the activity:*
 - (i) contributes to the enhancement or restoration of natural character;*
 - (ii) is compatible with the existing level of modification to the environment, including by having particular regard to Policy 1;*
 - (iii) is appropriate for the context of the area within the surrounding landscape, its representativeness and ability to accommodate change;*
 - (iv) is of an appropriate form, scale and design to be sympathetic to the existing landforms, features and vegetation (excluding high visibility markers required for safety or conservation purposes) or is of a temporary nature and any adverse effects are of a short duration and are reversible;*
 - (v) maintains the integrity of significant areas of indigenous vegetation;*
 - (vi) maintains the integrity of historic heritage;*
 - (vii) maintains physical, visual (including seascapes) and experiential attributes that significantly contribute to the scenic, wild or other aesthetic values of the area; and*
 - (viii) alters the integrity of landforms and features, or disrupts the natural processes and ecosystems.*
 - (ix) is necessary to provide for the safe and efficient operation, maintenance, upgrade and development of regionally important infrastructure.*

Policy 10 Restoration of natural character

Promote the restoration or rehabilitation of natural character of the coastal environment particularly in relation to dunes, estuaries, coastal wetlands, coastal indigenous vegetation cover and habitats, ecological corridors, coastal water quality, and land stability where human-induced soil or coastal erosion is an issue.

The direction to promote restoration of natural character is supported, including in relation to the particular areas identified.

Policy 15: Historic Heritage

Policy 15 addresses historic heritage. Clause (b) requires the avoidance of significant adverse effects and the management of other adverse effects on the values associated with sites of significance to Maori. Powerco has assets within sites of significance to Maori and supports the management approach to adverse effects provided in this overlay.

Policy 17: Public Access

Policy 17 seeks to maintain and enhance public access to the coastal environment. Powerco requires access, including vehicular access, to the coastal environment to operate, maintain, upgrade and develop its infrastructure. The proposed policy provides avenues for Powerco to demonstrate consistency with the policy and is supported.

Policy 18: Amenity Values

Policy 18 requires the maintenance and enhancement of amenity values by avoiding, remedying or mitigating adverse effects on a range of areas, including outstanding value and significant amenity. Powerco supports this management approach

Policy 19: Surf breaks and Significant Surfing Area

Powerco has assets within the landward part of the Significant Surfing Area. Subject to the retention of clause (d), Powerco anticipates being able to continue to operate and maintain these assets.

Policies 31, 32 and 36

Policy 31: Structures that support safe public access and use, or public or environmental benefit

Structures in appropriate locations will be allowed for, subject to the appropriate management of adverse effects, where the structure is to provide for:

- (a) public access and use of the coastal marine area, including for traditional uses and cultural or recreational activities (excluding whitebait stands);*
- (b) public health and safety, including navigational aids;*
- (c) scientific or educational study or research; and the efficient operation of nationally and regionally important infrastructure.*

Policy 36: *Maintenance, repair, replacement and minor upgrading of existing structures*

Maintenance, repair, replacement and minor upgrading of existing lawful structures and reclamations will be allowed in order to:

- (a) enable compliance with applicable standards and codes;*
- (b) ensure structural integrity;*
- (c) maintain or improve efficiency; or*
- (d) address health and safety or navigational safety issues;*

subject to the appropriate management of adverse effects.

In conjunction with Policy 32, which addresses the placement of structures in the CMA, the proposed policies recognise the functional need for some structures to be located in the CMA and provide appropriately for Powerco's assets.

Policy 37

The intent of this policy is supported although it is considered that it should also apply to alterations or extensions which are minor. This could be achieved by amending the policy as follows:

~~Major~~ Alteration or extension of existing lawful structures, including major alterations or extensions, will be allowed in locations where the activity will not have significant adverse effects on other uses and values and will:

- (a) result in greater, more efficient, or multiple use of the structure for marine activities; or*
- (b) reduce the need for a new structure elsewhere.*

Policies 38 and 39

Policy 38: Removal of coastal structures

Decommissioning and removal of any new structure will be planned for as part of the initial design and installation. Structures will be removed from the coastal marine area at the expiry of their authorisations or at the end of their useful lives, unless one or more of the following applies:

- (a) removal of the structure would cause greater adverse effects on the environment than leaving it in place;*
- (b) the structure is an integral part of an historic heritage site or landscape; or*
- (c) the structure, or part of the structure, has reuse value that is considered appropriate in accordance with Policy 5.*

Policy 39: Occupation

Structures and activities occupying space within the common marine and coastal area should be established and operated in a manner that does not unreasonably restrict or prevent other users of the coastal marine area.

Occupation should be avoided in areas where it will have significant adverse effects on public use.

These policies provide appropriately for removal and occupation associated with Powerco's structures and should be retained as notified.

Policy 41 – Provision for disturbance, deposition or extraction activities that provide public or environmental benefit

Disturbance, deposition or extraction that is necessary to protect or maintain the safe and efficient operation of nationally and regionally important infrastructure or provide for public or environmental benefit will be allowed for, subject to appropriate management of adverse effects, including:

- (a) maintaining existing navigation channels and access to structures, including maintaining safe navigational depth within Port Taranaki;*
- (b) clearing, cutting or realigning stream or river mouths for flood or erosion control purposes;*
- (c) restoring, enhancing or protecting natural or historic heritage values;*
- (d) deposition of material, including dredging spoil, for beach replenishment;*

- (e) clearing the outlet of any lawful stormwater outfall or pipe;
- (f) removal or control of harmful aquatic organisms, pest plants or other exotic plants;
- (g) operating, maintaining, repairing or upgrading lawful structures or infrastructure;
- (h) removing hazards to navigation or public health and safety, or installing navigational aids;
- (i) recreational activities, scientific or educational study, or research; and
- (j) small scale extraction that results in a less than minor level of disturbance.

Powerco supports Policy 41 and in particular the provision for intrusive works to operate, maintain, repair or upgrade its assets.

C. Relief sought (accepting that alternative wording may achieve the same intent):

15. Ensure the objectives and policies give effect to the NZCPS and RPS and in particular provide appropriately for the operation, maintenance and upgrade of regionally important infrastructure.

16. Retain Objectives 1 and 2 as notified.

17. Amend Objective 3 as follows:

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

18. Retain Objectives 6 and 7 as notified.

19. Ensure Objective 8 and corresponding policies and rules provide appropriately for the operation, maintenance and upgrade of existing regionally important infrastructure.

20. Retain Policy 1 subject to an amendment to recognise the existence of existing infrastructure in areas of Outstanding Value, Estuaries Unmodified and Estuaries modified, unless the mapping is amended such that this is not the case. This could be achieved by adding the following characteristic to Policy 1(a), 1(b) and 1(c):

These areas may contain regionally important infrastructure.

21. Retain Policy 2 subject to amendments to clause (f) to provide certainty to plan users, including by referencing the term functional need proposed at Schedule 1 of Powerco's submission:

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

22. Delete Policy 4 in favour of comprehensive mapping of the coastal environment

Policy 4: Extent and characteristics of the coastal environment

Determine the inland extent of the coastal environment for the purposes of policies under Section 5.1 of the Plan on a case by case basis by having regard to:

- (a) ~~areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas; and~~*
- (b) ~~the geographic extent to which activities within the coastal marine area may cause adverse effects on significant values and characteristics landward of the coastal marine area.~~*

23. Retain Policy 5 subject to amendments to clauses (a) and (c) as follows:

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

- (a) the functional need for the activity to be located in the coastal marine area. ~~Conversely, a~~ Activities that do not have a functional need to be located in the coastal marine area generally should not be located there (unless the non-marine related activity complements the intended use and function of the area);*
- (b) the benefits to be derived from the activity at a local, regional and national level, including the potential contribution of aquaculture and marine based renewable energy resources;*
- (c) the appropriateness of the proposed design, and methodology, and whether it is the best practicable option, location or route of the activity in the context of the receiving environment and any possible alternatives;...*

24. Retain Policy 6 subject to a minor amendment to better reflect the outcome of the policy and give effect to the RPS:

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

25. Amend Policy 7 as follows to give effect to Objective 3 and the RPS:

Impacts on established operations and activities

~~Avoid, remedy or mitigate the adverse effects of activities, including reverse sensitivity impacts, on existing lawfully established activities~~ Restricting the establishment or intensification of activities that may result in reverse sensitivity effects by:

- (a) Avoiding significant adverse effects on infrastructure of national or regional importance;*
- (b) Avoiding, remedying or mitigating other adverse effects on infrastructure of national or regional importance;*
- (c) Avoiding, remedying or mitigating adverse effects on other activities.*

26. Amend Policy 8 to ensure it enables the operation, maintenance and upgrade of existing infrastructure. This could be achieved by adding clause (c) as follows:

- (c) recognising the need to provide for the ongoing operation, maintenance, and upgrade of existing infrastructure.*

27. Amend Policy 9 to ensure it enables the safe and efficient operation of regionally important infrastructure. This could be achieved by adding an additional clause as follows:

- (ix) is necessary to provide for the safe and efficient operation, maintenance, upgrade and development of regionally important infrastructure.*

28. Retain Policies 10, 15, 17, 18 and 19 as notified.

29. Retain Policies 31, 32, and 36 as notified.

30. Retain Policy 37 subject to the following amendment:

~~Major~~ Alteration or extension of existing lawful structures, including major alterations or extensions, will be allowed in locations where the activity will not have significant adverse effects on other uses and values and will:....

31. Retain Policy 41 as notified.

SCHEDULE FIVE REGIONAL RULES

A. The specific parts of the PCP subject of this submission are:

- Rule 35, which is supported in part
- Rule 37, which is supported in part
- Rule 42, which is supported
- Rule 43, which is supported
- Rule 22, which is supported
- Rule 33, which is supported
- Rule 34, which is supported
- Rule 48, which is supported
- Rule 49, which is supported
- Rule 50, which is supported

B. The reason for the submission

Rules 35, 37, 42 and 43 – existing structures

Rule 35 provides for the maintenance, repair/reconstruction or minor alteration of existing lawfully established structures in all areas, excluding the port, as a permitted activity, subject to standards.

Rule 37 provides for the repair, alteration or extension of network utility structures, excluding in areas of outstanding value, as a controlled activity, subject to standards. The rule is not applicable where an activity comes within or complies with Rule 35.

Rule 38 provides a permitted activity pathway for the removal and replacement of structures in all areas, subject to standards.

Rules 42 and 43 provide discretionary and non-complying pathways where compliance cannot be achieved with relevant standards of the above rules.

Rule 35 is supported subject to the deletion of the word minor and amendments to standard (a) as follows to provide for electricity distribution lines, not just transmission lines, regardless of design voltage. Powerco does not consider there are valid resource management grounds for a blanket restriction on increase in design voltage. If Council maintains that a maximum voltage is appropriate, Powerco considers that the PCP should provide for increases in design voltage up to a maximum of 33kV.

(a) size of the structure, including length, width and height, does not increase beyond original size (except for existing communications cables or electricity transmission or distribution lines where ~~these activities do not result in an increase in the design voltage and~~ the new or altered cables or lines are not lower in height above the foreshore or seabed);

The deletion of minor from the rule itself is also sought as the standards clearly set out what is considered to be minor for the purpose of the rule.

Rule 37 is also supported in part. Powerco considers it is important to make the consenting pathway for network utilities clear, particularly whether Rule 35 can also apply to network utilities. The use of the phrase 'and does not come within or comply with Rule 35' at the end of Rule 37 provides no certainty in that regard. Given that plans are typically more enabling with regard to network utilities, Powerco anticipates that the intention is that Rule 35 is intended to apply in addition to Rule 37, such that there is a permitted activity pathway for maintenance, repair or alteration, not just a controlled activity pathway as per Rule 37.

Powerco also considers it would be appropriate for Rule 37 to apply to maintenance activities (where compliance with standards at condition 35 cannot be achieved), not just repair, alteration or extensions.

In addition, it is necessary to refer to lines that are attached to poles, not just access structures, as per Rule 22.

The following changes are sought to Rule 37:

Lawfully established network utility structure maintenance, repair, alteration or extension where the structure is:

- (a) a pipeline that is buried or attached to a bridge or access structure;*
- (b) an outfall structure;*
- (c) an intake structure;*
- (d) a communication or electricity cable that is buried or attached to a bridge or access structure or pole; or*
- (e) marine communications equipment*

excluding:

(f) any structure seaward of the Main Breakwater or Lee Breakwater in coastal management area – Port

and any associated:

- (a) occupation of space in the common marine and coastal area;*
- (b) disturbance of the foreshore or seabed;*
- (c) deposition in, on or under the foreshore or seabed; and*
- (d) discharge of sediment*

and does not ~~come within or~~ comply with Rule 35

excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).

Subject to the amendments sought to Rules 35 and 37, Powerco is able to accept the default to a discretionary activity or non-complying status for maintenance, repair, and alteration within coastal management areas. Notwithstanding, Powerco seeks that the mapping of the sensitive areas should be reconsidered in recognition of existing infrastructure.

Rules 22, 33 and 34

Rule 22 provides for the erection or placement of certain network utility structures in the CMA as a controlled activity, excluding areas identified for Outstanding Values and subject to compliance with standards. Of relevance to Powerco, it provides for pipelines that are buried or attached to a bridge or access structure and for electricity cables that are buried or attached to a bridge, access structure or pole. The rule also provides for any associated occupation of space, disturbance, deposition and discharge.

Network utility structure erection or placement where the structure is:

- (a) a pipeline that is buried or attached to a bridge or access structure;*
- (b) an outfall structure which does not come within or comply with Rule 18;*
- (c) an intake structure;*
- (d) a communication or electricity cable that is buried or attached to a bridge, access structure or pole; or*
- (e) marine communications equipment...*

Where compliance cannot be achieved with Rule 22, discretionary activity consent is required pursuant to Rule 33 where the structure is located in the Estuaries Modified, Open Coast, or Port areas and as a non-complying activity in an area classified as Estuaries Unmodified. Where the structure is located in an area of Outstanding Value there is no permitted activity pathway and the erection or placement of a network utility structure is a non-complying pursuant to Rule 34.

Powerco does not currently anticipate new structures in the CMA. However, should new or expanded urban areas be created in the coastal environment Powerco may need to cross the CMA to supply electricity or gas. Subject to appropriate rules for the operation, maintenance and upgrade of its existing assets, Powerco generally supports these rules and a pathway for new assets, if required in the CMA. However, Powerco considers that the limited potential for effects of pipelines and cables attached to existing bridges are such that they should be provided for as a permitted activity, subject to standards.

Rules 48, 49 and 50

Rule 48 provides for the continued occupation of the common marine and coastal area with an existing lawfully established structure, where the occupation was permitted at the time of placement. The rule applies across all coastal management areas and is conditional on the structure being used for its original purpose. Powerco supports this rule. Similarly Powerco supports Rule 49 which provides a controlled activity pathway for renewal of resource consents to occupy and Rule 50 which provides a discretionary activity pathway where compliance cannot be achieved with Rules 48-50.

- C. Relief sought (accepting that alternative wording may achieve the same intent):**
- 32. Retain Rule 35 subject to an amendment to delete of the term minor from the rule, include provision for distribution lines as well as transmission lines, and remove the arbitrary restriction in design voltage. This could be achieved by amending clause (a) as follows:**

(a) size of the structure, including length, width and height, does not increase beyond original size (except for existing communications cables or electricity transmission or distribution lines where ~~these activities do not result in an increase in the design voltage and the new or altered cables or lines are not lower in height above the foreshore or seabed~~);

or

(a) size of the structure, including length, width and height, does not increase beyond original size (except for existing communications cables or electricity transmission or distribution lines where these activities do not result in an increase in the design voltage above 33kV and the new or altered cables or lines are not lower in height above the foreshore or seabed);

33. Retain Rule 37 subject to the following amendments:

Lawfully established network utility structure maintenance, repair, alteration or extension where the structure is:

- (a) a pipeline that is buried or attached to a bridge or access structure;
- (b) an outfall structure;
- (c) an intake structure;
- (d) a communication or electricity cable that is buried or attached to a bridge or access structure or pole; or
- (e) marine communications equipment

excluding:

- (f) any structure seaward of the Main Breakwater or Lee Breakwater in coastal management area – Port

and any associated:

- (e) occupation of space in the common marine and coastal area;
- (f) disturbance of the foreshore or seabed;
- (g) deposition in, on or under the foreshore or seabed; and
- (h) discharge of sediment

and does not ~~come within or~~ comply with Rule 35

excluding activities regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (Appendix 6).

34. Retain Rule 22 as notified.

35. Provide a permitted activity pathway for new network utility structures attached to existing road bridges.

36. Retain Rules 33, 34, 42, 43, 48, 49 as notified.

Annexure 1 – Powerco Assets within sensitive coastal management areas



POWERCO

Legend

- Other values
- In Service
- Other values
- 11,000 Volts
- Other value
- Proposed (Design Stage)
- Under Construction
- Commissioned (Ready for wiring)
- 22,000 Volts
- 11kV Underground
- 600 Volts
- 300 Volts
- Out of Service
- Redundant
- LV Line**
- Subtype, Status**
- LV Distribution, In Service
- LV Service, In Service
- LV Cable**
- Subtype, Status**
- LV Distribution, In Service
- LV Service, In Service
- Pole

ELECTRICITY ASSETS IN URENUI

site plan

DO NOT SCALE FROM PLAN

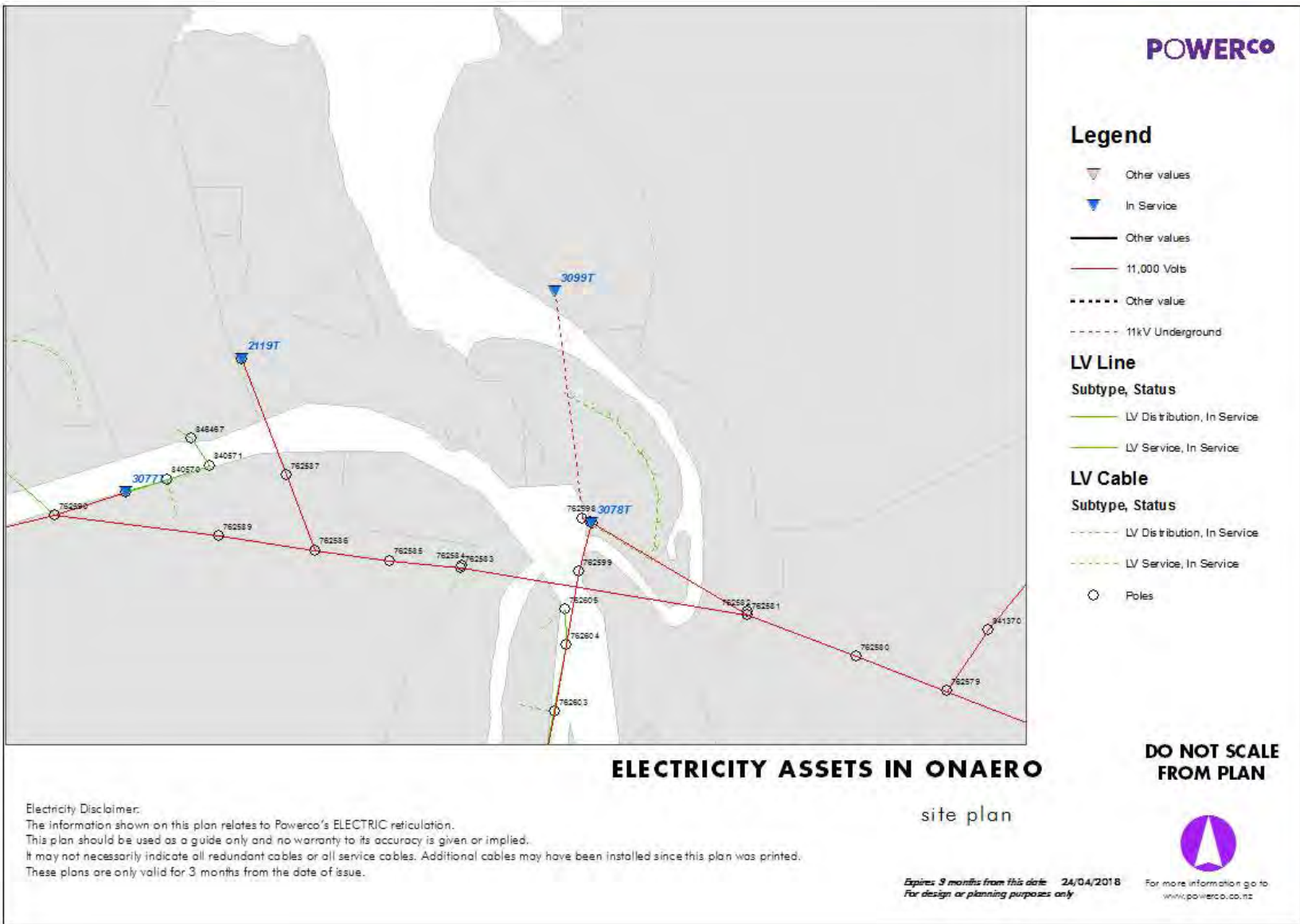
Electricity Disclaimer:

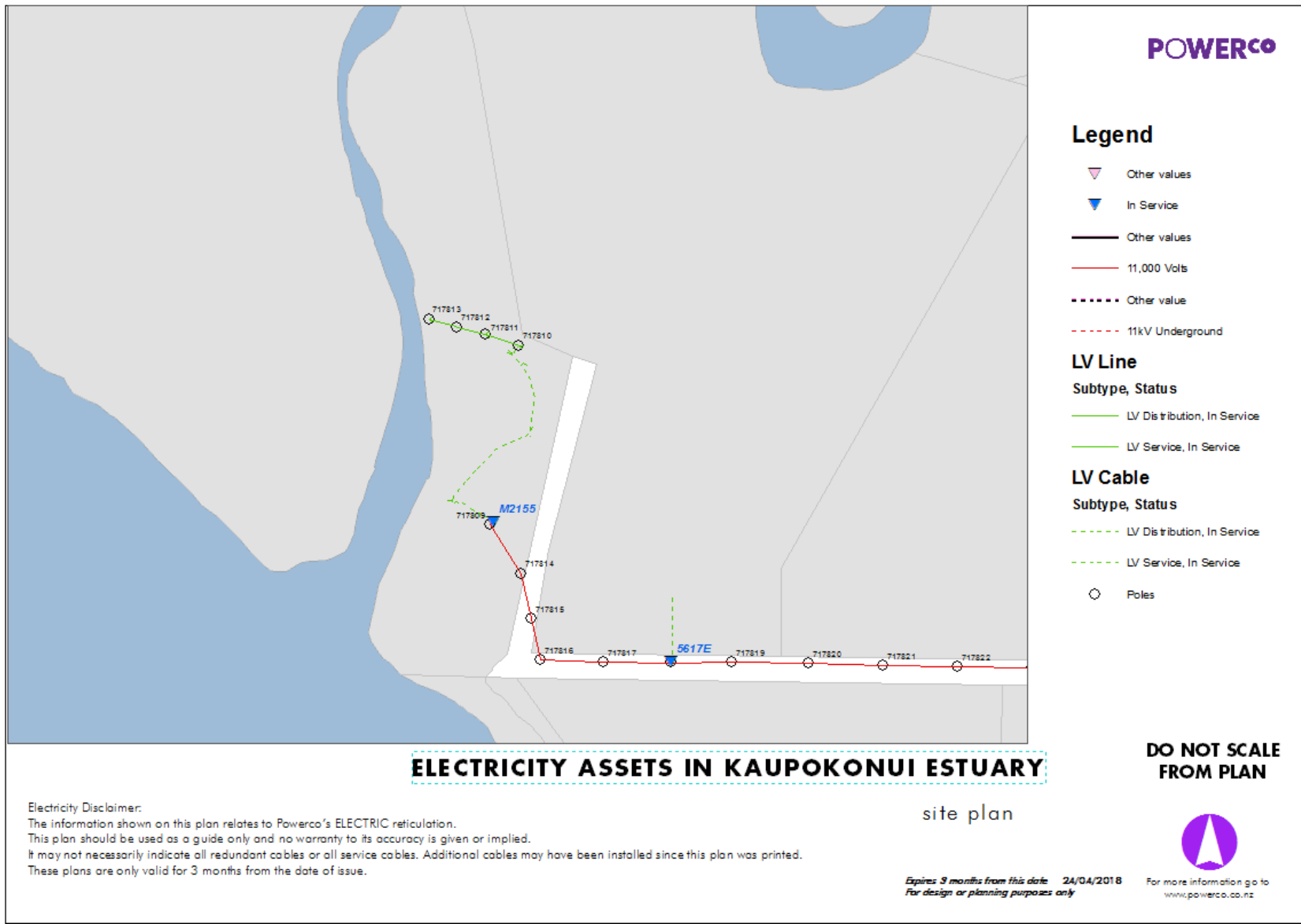
The information shown on this plan relates to Powerco's ELECTRIC reticulation. This plan should be used as a guide only and no warranty is given or implied. It may not necessarily indicate all redundant cables or all service cables. Additional cables may have been installed since this plan was printed. These plans are only valid for 3 months from the date of issue.

*Expires 3 months from this date: 24/04/2018
For design or planning purposes only*

For more information go to www.powerco.co.nz







ELECTRICITY ASSETS IN KAUPOKONUI ESTUARY

site plan

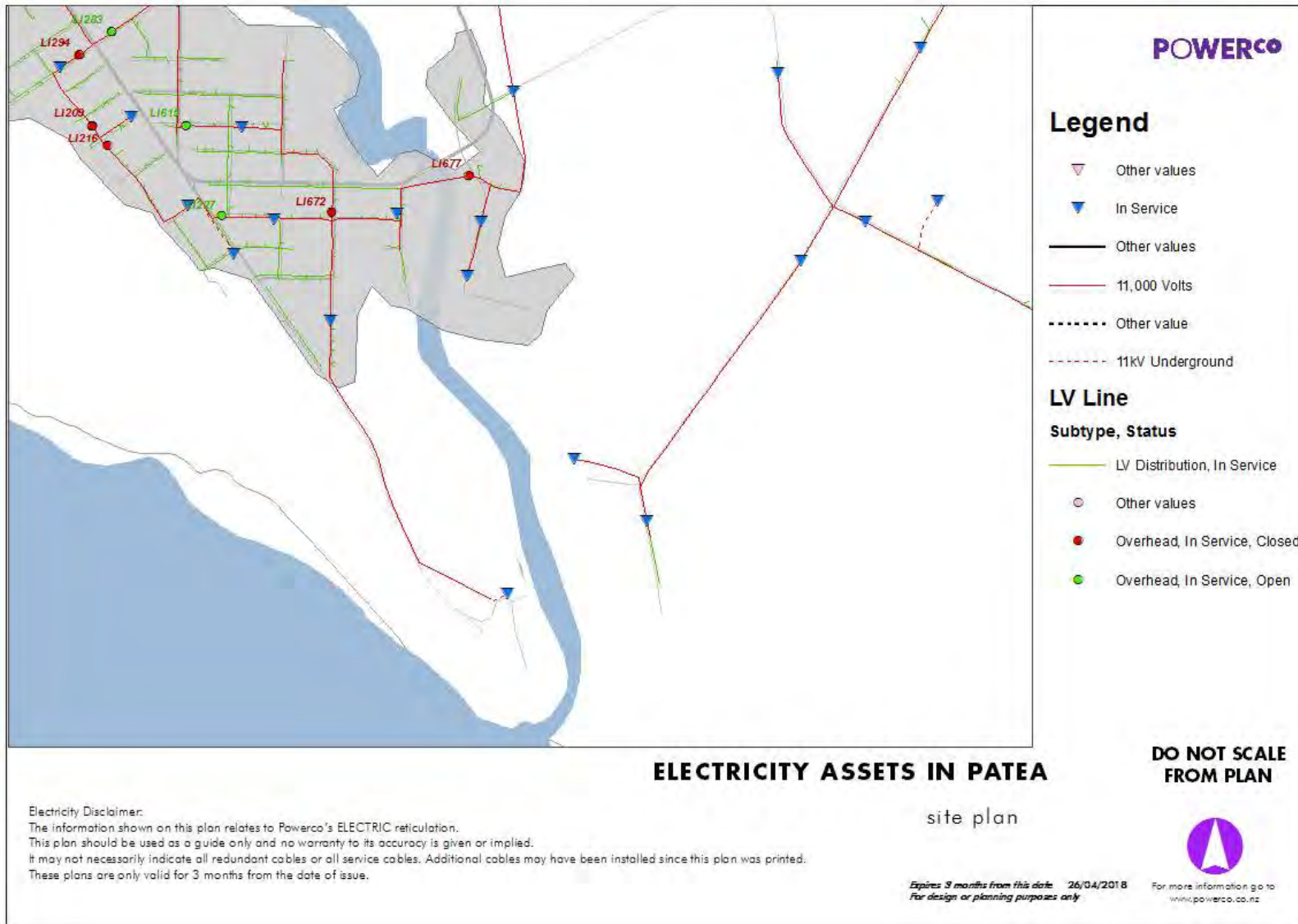
DO NOT SCALE FROM PLAN

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**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR
PLAN, CHANGE OR VARIATION**

Clause 6 of Schedule 1, Resource Management Act 1991

To Taranaki Regional Council

Name of submitter: Radio New Zealand Limited (RNZ)

- 1 This is a submission on the following proposed plan (the *Proposed Plan*):
Proposed Coastal Plan for Taranaki.
- 2 RNZ could not gain an advantage in trade competition through this submission.
- 3 The specific provisions of the proposal that RNZ's submission relates to are set out in **Schedule 1** to this submission.
- 4 RNZ does not wish to be heard in support of the submission.

Introduction

- 5 Radio New Zealand Ltd (RNZ) welcomes the opportunity to provide preliminary feedback on the Proposed Plan. RNZ is generally supportive of the Proposed Plan, particularly the objectives and policies that support the ongoing operation of nationally and regionally significant infrastructure.
- 6 Detailed feedback on specific objectives and policies is set out in **Schedule 1**, and a summary of RNZ's facilities in Taranaki is set out below.

RNZ's facilities

- 7 RNZ is a Crown entity established under the Radio New Zealand Act 1995. RNZ owns and operates radio transmission facilities on Pohutukawa Place, Bell Block, New Plymouth (*RNZ's Facilities*).
- 8 The radiocommunication activities from RNZ's Facilities are carried out by RNZ and other broadcasters, using equipment that is owned, maintained and operated by each broadcaster.
- 9 It is important that the continued operation, maintenance and improvement of RNZ's national transmission network can occur unimpeded. RNZ's Facilities are an integral and important part of RNZ's national communication network, and it is appropriate that the Proposed Plan recognises and provides for RNZ's activities.
- 10 RNZ's Facilities perform an important role in, among other things, providing news and information to the public and performing a civil defence role (radio is a key communication tool in the event of natural disasters and RNZ is designated as a Lifeline Utility under the Civil Defence Emergency Management Act 2002).

RNZ Facilities at Bell Block

- 11 RNZ's Facilities at Bell Block include:

- 11.1 a main concrete block transmitter building containing 4 AM radio transmitters and ancillary equipment and an emergency generator and control equipment;
 - 11.2 a free standing fuel tank; and
 - 11.3 a 53 metre guyed aerial mast, at the base of which there is a steel shipping container containing aerial coupling unit components.
- 12 These facilities broadcast multiple radio programmes (and carry out civil defence functions) to New Plymouth and surrounding areas. The rest of the facility consists of underground wires and cables.
 - 13 RNZ's Facilities are located approximately 800m from the Coastal Marine Area boundary line as shown on the Proposed Plan. The location of RNZ's Facilities is shown in **Figure 1** below.



Figure 1: Location of RNZ Bell Block Transmitter Site

- 14 The Proposed Plan applies to activities carried out in the "coastal environment". While RNZ's Facilities are located a reasonable distance from the coast, the definition of "coastal environment" in the Proposed Plan is sufficiently broad that RNZ's Facilities may be considered to fall within the "coastal environment", and therefore the Proposed Plan *may* apply to RNZ's Facilities and activities on surrounding land.
- 15 The proposed definition of "coastal environment" is:

Means the areas where coastal processes, influences or qualities are significant, including lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these and includes the coastal marine area.

16 Section 1.4.1 Geographic extent of the Proposed Plan states:

The Plan has effect over the coastal marine area of the Taranaki region and the coastal environment. The coastal marine area is defined in section 2 of the RMA and shown on SO Plan 13043 deposited with the Chief Surveyor of the Taranaki Land District.....

...

For the purposes of integrated management, Plan objectives, general policies and methods (excluding rules) address not only the coastal marine area but the wider coastal environment. The wider coastal environment comprises the coastal marine area, together with land dominated by the coast where coastal processes, influences or qualities predominate.

17 Figure 2 of the Proposed Plan (reproduced below) sets out the area where the Proposed Plan applies, noting that the 'coastal environment boundary' is determined on a case-by-case basis. Only objectives, policies and methods apply to the wider coastal environment (not rules).

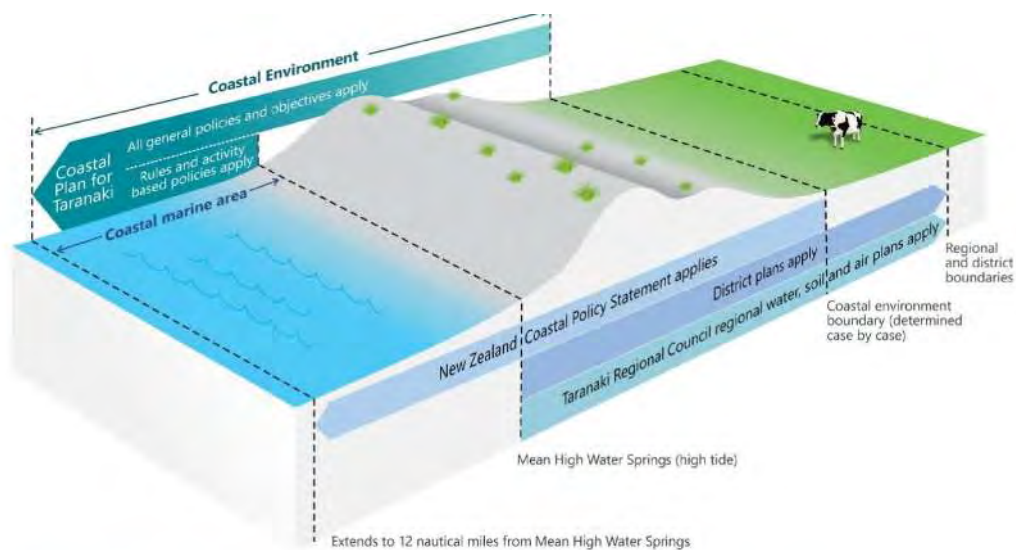


Figure 2: Area where the Plan applies

Figure 2: Area where the Proposed Plan applies (taken from page 3 of the Proposed Plan)

18 RNZ has not formed a view on whether its Facilities ought to be considered to fall within the 'coastal environment'. However, erring on the side of caution, RNZ has prepared this submission to ensure that there are sufficient objectives and policies in the Proposed Plan to enable RNZ to continue to undertake daily operations, maintenance and upgrade of RNZ's Facilities as required, in case RNZ's Facilities are

determined to fall within the 'coastal environment'. As a lifeline utility, it is critically important that RNZ is not unduly restricted from carrying out such activities that are fundamental to the ongoing operation of its transmission activities.

- 19 RNZ's Facilities do not usually generate high levels of noise. However, RNZ occasionally has to use its back-up generator (during an emergency or for testing purposes), and this can be noisy when operating. The nearest dwelling is 300 metres away from RNZ's Facilities, and RNZ has not received any noise-related complaints from residents. However, if new noise-sensitive activities were to be established closer to RNZ's Facilities, they may experience reverse sensitivity effects from the noise associated with the operation of the generator.
- 20 Therefore, it is important that the Plan acknowledges that reverse sensitivity effects (for example noise and amenity effects) associated with network utilities often cannot be avoided; and therefore activities sensitive to these effects should avoid locating in areas where they may be adversely affected by network utility activities.
- 21 The table in **Schedule 1** identifies specific objectives, policies and methods that RNZ supports, and others that RNZ considers require minor amendment, in order to provide adequate recognition and protection of RNZ's Facilities (and other similar infrastructure providers).

Signed for and on behalf of Radio New Zealand Limited by its solicitors and authorised agents Chapman Tripp



Ben Williams
Partner
27 April 2018

(A signature is not required if you make your submission by electronic means)

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Wellington

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Note to person making submission

If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through this submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act.

Schedule 1: Specific submissions on objectives, policies and methods in the Proposed Coastal Plan for Taranaki on behalf of Radio New Zealand Limited

Section	Objective/Policy/Method wording	Support/Oppose	Comment
Objective 1: Integrated management	<i>Management of the coastal environment, including the effects of use and development on land, air and fresh water, is carried out in an integrated manner.</i>	Support	RNZ supports the integrated management of natural and physical resources.
Objective 2: Appropriate use and development	<i>Natural and physical resources of the coastal environment are used efficiently, and activities that depend on the use and development of these resources are provided for in appropriate locations.</i>	Support	It is necessary for RNZ's Facilities to be located out of main centres, away from sensitive activities (such as residential areas). Therefore, RNZ's Bell Block Facilities are appropriately located near the coast.
Objective 3: Reverse sensitivity	<i>The use and ongoing operation of nationally and regionally important infrastructure and other existing lawfully established activities is protected from new or inappropriate use and development in the coastal environment.</i>	Support	As explained above, as a lifeline utility, it is essential that RNZ is able to maintain, upgrade and replace where necessary its existing radio transmission Facilities at Bell Block.
Policy 2: Integrated management	<i>Provide for the integrated management of the coastal environment by:</i> <i>a) implementing policies under section 5.1 of the Plan in managing the effects of activities (positive and</i>	Support	RNZ supports the integrated management of natural and physical resources. In particular, RNZ supports the recognition in Policy 2(f) of the functional and

	<p><i>negative) undertaken in the coastal marine area on significant values and characteristics of the wider coastal environment;</i></p> <p><i>b) implementing policies, methods and rules in other regional plans in relation to managing adverse effects associated with diffuse and direct discharges to freshwater and air, and soil disturbance;</i></p> <p><i>c) taking into account the potential for cross-media effects and the connections between freshwater bodies and coastal water;</i></p> <p><i>d) considering the effects of activities undertaken in the coastal marine area on land or waters held or managed under other statutes, and the purposes of those statutes, including marine areas with legal protection identified in Schedule 1 and statutory acknowledgements identified in Appendix 2;</i></p> <p><i>e) considering the effects of activities in the coastal marine area on outstanding natural features and landscapes or areas of outstanding natural character identified in other regional or district plans;</i></p> <p><i>f) managing natural and physical coastal resources in a manner that has regard to the social, economic and cultural objectives and well-being of the community and the functional and/or location constraints of nationally or regionally important infrastructure; and</i></p> <p><i>g) working collaboratively with government departments, territorial authorities, other agencies, and tangata</i></p>		<p>locational constraints of nationally or regionally important infrastructure.</p>
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	<p><i>whenua in accordance with Policy 15, that have roles and responsibilities that contribute to, and impact on, the management of coastal resources, including where activities in the Taranaki coastal marine area may result in adverse effects, or associated use and development beyond the coastal marine area.</i></p>		
<p>Policy 4: Extent and characteristics of the coastal environment</p>	<p><i>Determine the inland extent of the coastal environment for the purposes of policies under Section 5.1 of the Plan on a case by case basis by having regard to:</i></p> <ul style="list-style-type: none"> <i>a) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas; and</i> <i>b) the geographic extent to which activities within the coastal marine area may cause adverse effects on significant values and characteristics landward of the coastal marine area.</i> 	<p>Support with amendment</p>	<p>RNZ supports a Policy that clearly defines the extent of the 'coastal environment', however considers that Policy 4 is worded broadly, and may be difficult to implement in practice. For example, it is not clear from Policy 4 whether RNZ's Facilities fall within or outside of the "coastal environment", because it is not clear what the threshold is for "significance" of coastal processes or influences.</p> <p>RNZ suggests the following amendment, so that (a) mirrors (b):</p> <ul style="list-style-type: none"> <i>a) areas where coastal processes, influences or qualities are significant, <u>and where activities may cause adverse effects on significant values and characteristics in the coastal marine area,</u></i>

			<p><i>including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these areas.</i></p>
<p>Policy 5: Appropriate use and development of the coastal environment</p>	<p><i>Determine whether use and development of the coastal environment is in an appropriate place and form and within appropriate limits by having regard to:</i></p> <ul style="list-style-type: none"> <i>a) the functional need for the activity to be located in the coastal marine area. Conversely, activities that do not have a functional need to be located in the coastal marine area generally should not be located there (unless the nonmarine related activity complements the intended use and function of the area);</i> <i>b) the benefits to be derived from the activity at a local, regional and national level, including the potential contribution of aquaculture and marine based renewable energy resources;</i> <i>c) the appropriateness of the proposed design, methodology, whether it is the best practicable option, location or route of the activity in the context of the receiving environment and any possible alternatives;</i> <i>d) the degree to which the activity will recognise and provide for the relationships, uses and practices of Māori and their culture and traditions with their lands, water, sites, wāhi tapu, and other taonga in the coastal environment such as mahinga kai, tauranga waka</i> 	<p>Support with amendment</p>	<p>RNZ supports the recognition of the 'functional need' for activities to be located in the 'coastal marine area', however RNZ submits that this should also refer to the functional need for activities to be located within the wider 'coastal environment', as the first part of the Policy clearly refers to 'use and development of the coastal environment'.</p> <p>RNZ suggests the following amendment:</p> <ul style="list-style-type: none"> <i>a) the functional need for the activity to be located in the coastal marine area <u>or the coastal environment</u>. Conversely, activities that do not have a functional need to be located in the coastal marine area <u>or the coastal environment</u> generally should not be located there...</i>

	<p><i>(canoe landing sites), nga toka (rocks) and turanga ika (fishing grounds);</i></p> <p><i>e) the degree to which the activity will be threatened by, or contribute to, coastal hazard risk, or pose a threat to public health and safety with particular reference to Policy 20;</i></p> <p><i>f) the degree to which the activity contributes to the enhancement or restoration of natural or historic heritage including by buffering areas and sites of historical heritage value;</i></p> <p><i>g) the degree to which the activity contributes to the enhancement or restoration of public access or public use of the coast including for recreation;</i></p> <p><i>h) whether any landward component, development or use of land-based infrastructure or facilities associated with the activity can be appropriately provided for;</i></p> <p><i>i) whether the activity is for scientific investigation or educational study or research; and</i></p> <p><i>j) the degree and significance of actual or potential adverse effects of the activity on the environment, including consideration of:</i></p> <p><i>i. cumulative effects of otherwise minor activities;</i></p> <p><i>ii. the sensitivity of the environment with particular reference to Policy 1; and</i></p>		
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	<i>iii. the efficacy of measures to avoid, remedy or mitigate such effects, or provide environmental compensation where effects cannot be remedied or mitigated.</i>		
Policy 6: Activities important to the well-being of people and communities	<i>Recognise and provide for new and existing infrastructure of regional importance or of significance to the social, economic and cultural well-being of people and communities in Taranaki, subject to appropriate management of adverse environmental effects.</i>	Support	RNZ supports the recognition of the need to provide for new and existing infrastructure, such as RNZ's Bell Block Facilities.
Policy 7: Impacts on established operations and activities	<i>Avoid, remedy or mitigate the adverse effects of activities, including reverse sensitivity impacts, on existing lawfully established activities.</i>	Support	<p>The operation of RNZ's Facilities can contribute to noise and amenity effects on surrounding sensitive activities when these activities establish in close proximity to RNZ's transmitter sites. For this reason, RNZ's Facilities are located out of main centres, away from highly developed areas, to minimise adverse effects on surrounding activities.</p> <p>It is important that reverse sensitivity impacts on existing lawfully established activities (such as RNZ's transmitter site) are taken into account when considering the development of new activities. Therefore, RNZ supports Policy 7.</p>

<p>Policy 9: Natural character and natural features and landscapes</p>	<p><i>Protect all other areas of the coastal environment not identified in Schedule 2 by:</i></p> <p><i>(a) avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on natural character and natural features and landscapes by having regard to the extent to which the activity:</i></p> <p><i>(i) contributes to the enhancement or restoration of natural character;</i></p> <p><i>(ii) is compatible with the existing level of modification to the environment, including by having particular regard to Policy 1;</i></p> <p><i>(iii) is appropriate for the context of the area within the surrounding landscape, its representativeness and ability to accommodate change;</i></p> <p><i>(iv) is of an appropriate form, scale and design to be sympathetic to the existing landforms, features and vegetation (excluding high visibility markers required for safety or conservation purposes) or is of a temporary nature and any adverse effects are of a short duration and are reversible;</i></p> <p><i>(v) maintains the integrity of significant areas of indigenous vegetation;</i></p> <p><i>(vi) maintains the integrity of historic heritage;</i></p>	<p>Support</p>	<p>RNZ supports the protection of the coastal environment, subject to acknowledgment of the existing level of modification to the environment as provided for in Policy 9(a)(ii).</p>
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	<p><i>(vii) maintains physical, visual (including seascapes) and experiential attributes that significantly contribute to the scenic, wild or other aesthetic values of the area; and</i></p> <p><i>(viii) alters the integrity of landforms and features, or disrupts the natural processes and ecosystems.</i></p>		
Policy 17: Public access	<p><i>Maintain and enhance public access to, along and adjacent to the coastal environment by:</i></p> <p><i>(a) avoiding, remedying or mitigating any adverse effects of activities on public access;</i></p> <p><i>(b) promoting the enhancement or restoration of public access including for the connection of areas of public open space, access to mahinga kai, access to sites of historical and/or cultural importance, improving outdoor recreation opportunities, access to surf breaks and providing access for people with disabilities; and</i></p> <p><i>(c) only imposing a restriction on public access, including vehicles, where such a restriction is necessary to:</i></p> <p><i>i) protect significant natural or historic heritage values;</i></p> <p><i>ii) protect dunes, estuaries and other sensitive natural areas or habitats;</i></p> <p><i>iii) protect sites and activities of cultural value to Māori;</i></p>	Support	RNZ supports public access to the coastal environment, subject to any necessary restrictions for public safety reasons as provided for in Policy 17(c)(v). It is not safe or practical to allow public access to RNZ's transmitter site.

	<p><i>iv) protect threatened or at risk indigenous species and rare and uncommon ecosystem types as identified in Schedule 4A;</i></p> <p><i>v) protect public health or safety, including where the safety of other coastal or beach users is threatened by inappropriate use of vehicles on beaches and vessels offshore;</i></p> <p><i>vi) provide for defence purposes in accordance with the Defence Act 1990 or port or airport purposes;</i></p> <p><i>vii) avoid or reduce conflict between public uses of the coastal marine area and its margins;</i></p> <p><i>viii) provide for temporary activities or special events;</i></p> <p><i>ix) ensure a level of security consistent with the activity, including protection of equipment; or</i></p> <p><i>x) provide for other exceptional circumstances where restriction to public access is justifiable;</i></p> <p><i>and alternative access routes for the public have been considered and provided where practicable.</i></p>		
<p>Method 6.3 Use and development of resources</p>	<p><i>12. Implement Plan objectives, policies and methods of implementation that recognise and provide for appropriate use and development in the coastal environment.</i></p>	<p>Support</p>	<p>As above, it is essential that the Plan enables the ongoing use, maintenance, upgrade and replacement of existing infrastructure facilities in the coastal environment.</p>

<p>Definitions: Regionally important infrastructure</p>	<p><i>Regionally important infrastructure means infrastructure of regional and/or national importance and is:</i></p> <p>....</p> <p><i>(i) strategic radio communications facilities as defined in section 2(1) of the RadioCommunications Act 1989;</i></p>	<p>Support with amendment</p>	<p>Section 2(1) of the Radiocommunications Act 1989 defines "radiocommunications", but not "strategic radiocommunications facilities".</p> <p>Therefore, RNZ submits that the definition of <i>Regionally important infrastructure</i> in the Proposed Plan should be amended as follows:</p> <p><i>(i) strategic radio communications <u>radiocommunications</u> facilities as defined in section 2(1) of the RadioCommunications Act 1989.</i></p>
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- A. I am in full support of the inclusion of ONC-6 'Project Reef' on page 129, Schedule 2 of the Draft Coastal Plan.

I would like to talk to my submission.

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

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

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

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

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

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

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

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

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

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

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

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

4. Policy 44: Extraction or deposition of material

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

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

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

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

In relation to coastal indigenous biodiversity, there is sufficient information for identifying those elements of indigenous biodiversity that are regionally significant. However, there is considerable variability and gaps in information identifying significant habitats of native species, particularly marine. Mapping all coastal and marine sites and places in the CMA would have been prohibitively expensive and unlikely to be a complete and/or be an accurate record. Accordingly, for the purposes of this review, the Council prepared a descriptive schedule to identify coastal and marine habitat types and species of significance. Proposed rules apply whereby consents are required for activities in the CMA impacting on these habitat types and species. As part of the consenting process, applicants will be required to clearly identify and adopt measures to protect those values (decisions will be informed through Council biodiversity datasets and GIS systems that will be regularly updated over time by, amongst other things, new information identified as part of consenting assessments of environmental effects). Of note permitted activities are not generally of a type, scale and/or location to adversely impact on indigenous biodiversity within the coastal environment. Feedback on the draft Coastal Plan provisions identified broad but not universal acceptance for the proposed approach. Therefore, there is a low to medium risk of acting in the manner proposed.

The Council has a much more comprehensive picture identifying sites of historic heritage significance. Through this Plan review process, the Council has identified and/or mapped all known coastal historic heritage sites in the CMA, including iwi sites of significance. It is recognised that relevant schedules may need to be expanded upon over time as there is a likelihood of other unrecorded sites being discovered over time. However, the benefits of proceeding with the Proposed Plan changes are that they provide certainty and clarity for resource users on the need to manage adverse effects on known historic heritage sites and values and ensures appropriate measures can be adopted to protect those values, including any newly recorded sites identified over time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Policy 49: Noise and vibration

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

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

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

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

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

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

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

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

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

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

27 April 2018

TO: Taranaki Regional Council
Submitted online at: <https://www.trc.govt.nz/council/plans-and-reports/strategy-policy-and-plans/regional-coastal-plan/proposed-coastal-plan-feedback-form/>

FROM: Royal Forest and Bird Protection Society of New Zealand Incorporated
Attn: Tom Kay
PO Box 631
Wellington

t.kay@forestandbird.org.nz
022 183 2729

FOREST & BIRD SUBMISSION ON PROPOSED TARANAKI COASTAL PLAN

- Forest and Bird could not gain an advantage in trade competition through this submission.
- Forest & Bird wishes to be heard in support of this submission, and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.

INTRODUCTION

1. Forest & Bird is New Zealand's largest non-governmental conservation organisation with many members and supporters. Forest & Bird's constitutional purpose is:

To take all reasonable steps within the power of the Society for the preservation and protection of the indigenous flora and fauna and the natural features of New Zealand

2. Forest & Bird has for many years expressed a strong interest in the Taranaki Region, particularly with regard to the coastal environment, the maintenance of indigenous biodiversity, and the protection of freshwater. This has included advocating for greater protection of indigenous flora and fauna through the identification of significant natural areas in district plans and more recently with regards to the effects of seabed mining in the South Taranaki Bight on the coastal environment including on critically endangered marine mammals which inhabit both the coastal marine area and the exclusive economic zone.
3. These submissions on the Proposed Coastal Plan for Taranaki (the Plan) are set out under the Key Issues and Table 1 relating to specific provisions.
4. For the purposes of this submission, relief sought includes such other relief, including consequential changes, as is necessary to give effect to the relief sought.

KEY ISSUES FOR THIS SUBMISSION

- The extent of the coastal environment and integrated management
- Coastal management area approach
- Natural character and Natural features and landscapes
- Protection of indigenous biological diversity
- Appropriate use and development
- Aquaculture

The extent of the coastal environment and integrated management

5. Forest & Bird generally supports policy direction to determine the extent of the coastal environment. In our view it is preferable that this is identified as an indicative line on planning maps. This provides certainty for permitted activities and flexibility for consented activities to be considered on a case by case basis.
6. Policy 2 and Policy 4 of the Plan provide for integrated management and the extent and characteristics of the coastal environment respectively. In the proposed Plan these policies provide the basis for integrated management of both the regional and district council's functions in the coastal environment. However the wording proposed does not give effect to the New Zealand Coastal Policy Statement (NZCPS).
7. Policy 2 in the Plan appears to be intended to give effect to the requirements of Policies 4 and 5 in the NZCPS. However the policy focus on activities in the CMA and does not provide direction for integrated management across administrative boundaries. This approach also appears inconsistent with proposed Objective 1 which addresses the coastal environment; it does not set an objective solely for the CMA. It is important that Policy 2 provides direction on integrated management for the protection and preservation required under Policies 11, 13 and 15 of the NZCPS.
8. To effectively implement Policy 2 of the Plan it is necessary to identify the extent of the coastal environment. However, Policy 4 of the plan requires a case by case determination. This policy direction creates uncertainty as to whether plans can identify the extent of the coastal environment on planning maps. This is because "case by case" usually means an approach to resource consents rather than by plan provisions. This creates a potential inconsistency with the approach taken in the Proposed South Taranaki District Plan to identify the Coastal protection area by mapping the inland boundary of the district's coastal environment on the District Plan Maps¹, would be consistent with policy 4 as proposed; a sample is attached in Appendix 1.
9. As proposed Policy 4 sets on specific matters to which regard must be given to determine the extent of the coastal environment for the purpose of policies in section 5.1 of the Plan. However the matters set out under clauses (a) and (b) in Policy 4 are only some of the characteristics which are to be recognised under Policy 1(2) of the NZCPS. As proposed Policy 4 would be particularly problematic for district council plans in giving effect to the NZCPS as it does not recognise terrestrial systems of the coastal environment.

¹ Section 1.11 Definitions, Proposed South Taranaki District Plan (Decision version) 5 November 2016: **Coastal Protection Area**: is the extent of the district's coastal environment and means land within the district seaward of a line identified as the inland boundary of the Coastal Protection Area on the District Plan Maps.

10. Relief sought:

1) Amend Policy 2 to:

- a. Give effect to Policy 4 of the NZCPS, including by providing for coordinated management or control of activities in the coastal environment;
- b. Give effect to Policy 6 of the NZCPS, including by considering effects on land and waters in the coastal environment held or managed under the Conservation Act and other enactments administered by the Department of Conservation.
- c. Providing for a consistent approach to the protection of significant indigenous biodiversity, outstanding natural features and landscapes and areas of outstanding natural character as part of integrated management in the coastal environment.
- d. Make amendments to address the inconsistencies and uncertainties in the wording of policy 2 set out in Table 1. below.

2) Amend Policy 4 to:

- e. Enable and support the identification of the extent of the coastal environment, including by removing reference to “case by case”
- f. Recognised the characteristic set out in Policy 1 of the NZCPS.
- g. Provide direction on the extent of the coastal environment which supports the implementation of policies in 5.1 and provision for integrated management.

11. Forest & Bird consider Policies 2 and 4 are particularly important as the regional council and district councils will need to ensure that their other regional and district plans are not inconsistent with this regional coastal plan, s68(4)(b) and s76(4)(b), and that their plans give effect to the NZCPS, s68(3)(b) and s76(3)(b). It is problematic if the policies in the coastal plan are inadequate or uncertain in relation to where they apply, both within the CMA and inland of the CMA within the coastal environment.

Coastal management area approach

12. Forest & Bird agrees that there will be different management considerations for activities within different parts of the coastal environment. As a zoning type approach and mapping of areas can be useful approach. However this approach is not explained in the plan nor is the identification of areas on a consistent basis.
13. Section 1.7: ‘Coastal Management Areas’ describes an area-based management approach in relation to the structure and scope of the Plan. However Section 3: ‘Coastal management’ does not explain or provide any basis for this approach. Further, there is no obvious connection between Section 4: ‘Objectives’ and the area-based approach described in Section 1.7 to be implemented through Policy 1.
14. The management areas appear to have been determined by various approaches, including:
- a. through expert assessment² to determine outstanding natural character and outstanding natural feature and landscapes areas,
 - b. an unstated process to determine estuary and port areas listed in Schedule 1 and identified on the maps.

² Regional landscape study of the Taranaki coastal environment (2015)

- c. by elimination to determine the open coast area.
15. There appear to be two purposes to the characteristic listed for each management area under Policy 1(a) to (e). Firstly to describe the values or uses of the area which support the identification of the area, and secondly for the management of activities.
 - 1) The characteristics are listed collectively (using “and”) and it appears that all characteristic must apply together to identification an area. Policy 1(a) appears to largely rely on values and attributes identified in Schedule 2 and Policy 8 (reference to Policy 7 appears to be in error) which give clear guidance. It is less certain for estuaries (1(b) and 1(c) as not all characteristics set out may be present in all parts of an estuary; however on an estuary basis it is likely that all characteristics would be present. The Port (1)(e) characteristics are a mix of use values and physical elements. These are somewhat uncertain as characteristic to identify the management area, particularly as port activities are not set out, however given the area is clearly mapped this ok. The collective listing does not work for the open coast 1(d) as not all characteristics will be applicable in areas. Potentially this limits the area of remain coast which the policy applies to. This is because the policy wording states that the “open coast” is areas that characteristically include (i) to (iv) collectively. Areas to which that list does not apply and are that not captured under 1(a), (b), (c) or (e) would not be included under the Coastal Management Area approach. The characteristics set out are problematic to determining the management areas and should not be worded to imply this.
 - 2) Managing effects of activities is also problematic in terms of the characterisits. The policy directs that “recognition will be given” to the management areas and their distinguishing vlaues, characterisits and uses, “in managing the use, developemnt and protection of resources”. This is because it is not certain on what basis these characteristic have been determined, and they do not reflect the directive policies 11, 13 and 15 of the NZCPS. The direction to recognise these characteristic appears to priorities these characteristic over the policies which require the avoidance of adverse effects.
 16. Forest & Bird consider the listing of matters which are ‘characteristically’ relevant to each management area does not translate into clear direction for managing use, development or protection of resource. Schedule 1 sheds no light on this issue, as unlike Schedule 2, which sets out specific values and characteristics for each outstanding area, Schedule 1 is merely a list with map references.
 17. Forest & Bird is concerned that it is extremely uncertain whether the current wording of Policy 1 and its subheadings accounts for the protection of biodiversity and associated values or merely defines large management areas, which will then have their values protected or uses provided for through another set of policies. If this is the case it is unclear where these protective provisions are.
 18. While Forest & Bird is open to the possibility that a management area or zone-based approach may be useful for plan users, the current approach is not supported for the following reasons:
 - 1) It is uncertain whether the management areas apply.
 - a. Section 1.7 states that “The coastal marine area has been divided into five management areas”. However the Planning maps (in Schedule 1) show a number of outstanding value areas extend landward beyond the CMA.
 - b. Section 5.1 states that “policies apply to all activities in the coastal environment, regardless of which coastal management area the activity may fall within”. This can be read that the management areas cover the full coastal environment.

- c. Policy 1 (d) describing the characteristics of the Open Coast refers to coastal land behind the foreshore.
 - d. The plan does not identify or map the 'Open coast' management area.
- 2) The management area approach set out in Policy 1 does not provide for integrated management of the coastal environment.
 - a. The application management areas landward of the CMA is uncertain as 5.1 polices (ie Policy 1) apply to the coastal environment and 5.1 apply to the CMA only.
 - b. Under Policy 1 it is uncertain how the integration effects of activities on Outstanding values landward of the CMA will be avoided as management is restricted to the CMA. This potentially conflicts with direction under policy 8.
- 3) It is not clear how overlapping significant biodiversity and outstanding natural character/landscape values and characteristics are to be provided for.
 - a. For example both Estuaries and Outstanding Value areas include characteristics of threatened species; however there is no policy direction for Estuaries and Policy 8 Areas of Outstanding Value is limited to protection from "inappropriate use and development". While that may be appropriate for Natural Character and Natural features and landscapes, it is inconsistent with Policy 11 of the NZCPS which directs the protection of threatened species without any reference to whether use or development is inappropriate. The approach appears to contemplate different levels of protection depending on which coastal management area a threatened species is in.
 - b. The management areas are uncertain in terms of the identification of values and characteristics which represent significant indigenous biodiversity.
 - c. It is uncertain how Policy 14 of the Plan applies to significant values or characteristics in the management areas.
 - d. Policy 1 does not implement Objective 8 of the Plan and fails to provide for Policy 11 of the NZCPS by setting out recognition of values and characteristic rather than protection.
- 19. If an area-based management approach is retained in the plan, policy direction should be limited to that approach and avoid conflicting with policy direction for the protection of coastal values or with the specific section 5.2 policies for subdivision, use and development activities.
- 20. It is more useful to set out policy direction which recognises and provides for the NZCPS. Such as by including a specific policy on Ports to recognise Policy 9 of the NZCPS and separate policies on Outstanding natural character and on Outstanding natural features and landscapes to provide for Policy 13(1)(a) and Policy 15(a) of the NZCPS.
- 21. Relief sought:
 - a. Amend Policy 1 to set out an area based management approach based on mapped and scheduled areas. Refer to relevant policies to identify characteristics in those areas which are not already for those areas in a schedule.
 - b. Moving the amended policy to section 5.2 so that it clearly sets out a management area approach only within the CMA and applies only to the activities which are controlled under rules in the plan.

- c. Include a statement that Policy 1 does not provide direction for subdivision, use or development activities within the management areas.
- d. Consider a specific policy for the port to give effect to the NZCPS
- e. Make amendments to address the inconsistencies and uncertainties in the wording of Policy 1 set out above and in Table 1 below.

Natural character and natural features and landscapes

22. The NZCPS 2010 sets out directive policies for the protection of Natural Character (Policy 13) and Natural features and landscapes (Policy 15). Policy 13 specifically recognises that natural character is not the same as natural features and landscapes. The approach taken to combine policies on outstanding values in Policy 8 and the remainder of natural character, features and landscapes in Policy 9 appears to reflect the RPS which became operative prior the NZCPS 2010. The regional coastal plan must now give effect to both the RPS and the NZCPS 2010. This can only be achieved by the inclusion of policies which recognise the different characteristics and values set out in Policy 13 and Policy 15 of the NZCPS and by providing for the protection of those values.
23. Forest & Bird supports the approach of providing policies which apply to the full coastal environment. This provides consistency in achieving the policies of the NZCPS and for integrated management. However an important consideration is that regional and district council plans must be consistent with the regional coastal plan (see paragraph 11 above).
24. As proposed the approach under Policy 8 limits the identification of Outstanding natural character and Outstanding natural features and landscapes to those areas set out in schedules 1 and 2. This creates uncertainty as to whether the plan would recognise or enable the identification of other outstanding areas landward of the CMA.
25. The lack of a policy basis within the plan (such as a criteria setting out the values and characteristics upon which the Outstanding natural character areas and Outstanding natural features and landscapes in the schedules can be determined) means it is uncertain whether the scheduled areas achieve Policy 13 and 15 of the NZCPS. Nor does this provide certainty for how other such Outstanding areas are to be identified over the full coastal environment.
26. Policy 9 is uncertain as it appears to consider aspects activities in terms of appropriateness or maintenance which can only be determined once the effect on values are known. To achieve this the plan needs to set out guidance for the identification of values or include values for identified landforms features and vegetation and heritage. The inclusion of significant areas of indigenous vegetation and historic heritage overlaps and creates inconsistency with Policies 14 and 15 in the Plan. The application of this policy is particularly uncertain as it does not recognise that natural character is different to natural features and landscapes, nor does it provide for the assessment or identification required under Policies 13 and 15 of the NZCPS.
27. Relief sought:
 - a. Delete Policy 8 and Policy 9
 - b. Add a new policy to provide a basis for determining/identifying Outstanding Natural Character to achieve Policy 13 of the NZCPS
 - c. Identify areas of High natural character and show these on the Planning maps as required by Policy 13 of the NZCPS
 - d. Add a schedule setting out the values and characteristics of identified areas of high natural character
 - e. Add a new policy for to preserve areas of High natural character

- f. Add a new policy for other natural character in all other areas of the coastal environment consistent with Policy 13 of the NZCPS
- g. Amend the rules to avoid adverse effects as required by Policy 13 of the NZCPS
- h. Add a new policy to provide a basis for determining Outstanding Natural Features and Landscapes to achieve Policy 15 of the NZCPS
- i. Add a new policy for other natural features and landscapes in all other areas of the coastal environment
- j. Amend the rules to avoid adverse effects as required by Policy 15 of the NZCPS.

Protection of indigenous biological diversity

- 28. BIO Method 1 of the RPS sets out that the regional council will identify areas with significant indigenous biodiversity values. BIO Policy 4 sets out values and matters to consider when identifying significant biodiversity values and BIO Policy 3 provides that priority will be given to the protection of marine ecosystems, habitats and areas that have significant biodiversity values. The RPS became operative prior to the NZCPS 2010 and does address the further detail and provision to avoid adverse effects now directed by Policy 11 of the NZCPS.
- 29. Identification of areas of significant indigenous biodiversity is necessary to give effect to the RPS and is an effective way of identifying areas where adverse effects are to be avoided under Policy 11(a) and significant adverse effects are to be avoided under Policy 11(b). Forest & Bird consider that at a minimum the Policy 11(a) areas need to be identified in the CMA for council to ensure that the plan gives effect to the NZCPS. Identifying significant indigenous biodiversity areas on maps and setting out the values and characteristics of those areas in a schedule also provides certainty to plan users when carrying out permitted activities or seeking resource consent.
- 30. As proposed Objective 8 and Policy 14 set out to protect significant indigenous biodiversity. However the provisions do not provide direction (such as criteria) to identify “significant indigenous biodiversity”. In order to give effect to section 6(c) of the RMA and Policy 11 of the NZCPS Forest & Bird consider it necessary for Taranaki Regional Council to set out clear criteria for the identification of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the Coastal Plan. Without criteria in the plan as a mechanism for the identification of these important areas it is unclear how council will be able to protect them. Forest & Bird have therefore included in Appendix 2 suitable criteria for the identification of these areas based on accepted identification criteria (viz. representativeness, rarity/distinctiveness, diversity and pattern, ecological context etc.) as used in the Southland Regional Policy Statement.
- 31. The Taranaki coastal marine area provides habitat for a number of threatened, at risk and data deficient marine mammal and seabird species. Activities in the marine environment, including sea bed disturbance, noise, vibration and light can have significant, long term, and cumulative adverse effects, including effects which may be hard to quantify or determine with available information.
- 32. Forest & Bird has a number of concerns with Policy 14 of the Plan as proposed:
 - a. While Policy 14 as proposed reflects Policy 11 of the NZCPS, the areas of significant indigenous biodiversity it sets out to protect have not been identified.

- b. The current direction to maintain and enhance indigenous biodiversity in Policy 14 of the Plan is uncertain in terms of councils functions under s30(1)(ga) and is inappropriate for enhancement.
 - c. Council's functions to maintain biodiversity must be considered consistent with the definition of indigenous biological diversity in the RMA which is wider and less specific than the areas to be protected under Policy 11 of the NZCPS.
 - d. Forest & Bird supports the inclusion of policy direction to enhance biodiversity in the coastal environment, however we do not consider that Policy 14 provides for enhancement as it is limited to avoiding, remediating and mitigating adverse effects.
 - e. Adverse effect on marine mammal resting, feeding, and breeding areas and on bird roosting/nesting areas are not appropriate under clause (b), where those species are threatened, at risk or data deficient as adverse effect on them must be avoided to achieve the protection set out in clause (a).
33. Forest & Bird considers that overall the plan does not provide for the protection required by Policy 11 of the NZCPS. Because the plan provides for activities, without recognising that provision must on the basis of avoiding adverse effects of values to be protected.
34. A number of activities are permitted on the basis of a condition that the *"activity does not have an adverse effect on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem type including those identified in Schedule 4A [Significant species and ecosystems]"*
35. Forest & Bird has number of concerns with that condition and the approach to permitting activities in areas which may have values and characteristic which require protection under Policy 11 of the NZCPS.
- a. Firstly, it is council's responsibility to ensure the plan gives effect to the NZCPS. Effectively delegating the determination of adverse effect, on significant values which are to be protected by avoiding adverse effects, to plan users is not appropriate.
 - b. Secondly, people have different interpretations of whether the activity they propose will have an adverse effect.
 - c. Thirdly, most people are unlikely to be informed sufficiently to determine whether there are any threatened, at risk, or regionally distinctive species, the location of habitats of indigenous species or any rare and uncommon ecosystem types, including those identified in Schedule 4A, in the vicinity of their activity.
 - d. And fourth, the requirements of Policy 11 of the NZCPS are not met by only avoiding adverse effects on any threatened or at risk, or regionally distinctive species, or any rare and uncommon ecosystem types, including those identified in Schedule 4A.
36. Policy 3 of the NZCPS directs a precautionary approach towards proposed activities where effects are uncertain and to the use and management of coastal resources potentially vulnerable to the effects from climate change. It appears climate change is already affecting the behaviour of marine mammals and sea bird species as ocean temperatures increase and breeding and feeding habitats are altered. The rules do not appear to have provided for this approach.
37. Forest & Bird encourage council to identify significant indigenous biodiversity areas including areas which provide for values of the coastal environment vulnerable to the effects of climate

change, so that permitted activities can be excluded from or restricted within these areas as necessary. This provides the most certainty to plan users. Alternatively council could limit the scale and types of activities permitted to ensure that permitted activities would not have adverse effects on significant indigenous biological diversity.

38. In a number of cases controlled rules provide for matters of control relating to “ecological effects”. However the RMA interprets biological diversity to mean: “the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, and of ecosystems”. It is not certain that a matter for control of “ecological effects” is sufficient for council to carryout its functions and responsibilities for indigenous biological diversity.

39. Relief sought:

- a. Amend Policy 14 by removing reference to maintaining and enhancing indigenous biodiversity and so that it sets the characteristics and values to be protected under Policy 11 of the NZCPS
- b. Amend Policy 14 or add a new policy which includes a criteria to identify significant indigenous biodiversity with those characteristics and values in Policy 14. Use the criteria provided in Appendix 2 of this submission.
- c. Ensure policy direction provides for integrated management and protection of significant indigenous biodiversity areas on land and in the CMA from adverse effects of activities in marine and terrestrial environments.
- d. Add a schedule of areas of significant indigenous biodiversity in the CMA identified using the criteria above, and which sets out the values and characteristics that contribute to significance of each area. Include the ‘significant coastal areas’ identified in the New Plymouth District Plan³. Also include the relevant Important Bird Areas for New Zealand Seabirds as show in Appendix 3 to this submission).
- e. Show the identified significant indigenous biodiversity areas on the Planning Maps.
- f. Amend Policy 14 to include guidance on relevant habitats under clause (a)(iv) for consistency with the approach under (b)(ii). In both cases include bird feeding areas.
- g. Add a separate policy for the maintenance and enhancement of indigenous biodiversity in the coastal environment.
- h. In the Rules, change “ecological effects” to “effects on indigenous biological diversity” in all matters for control.
- i. Amend permitted activities by replacing references to avoiding adverse effects on Policy 11 matters with permitted activities that limit the activity type, scale, and location to the extent that the activity will not have an adverse effect which is inconsistent with council’s responsibilities to achieve Policy 11 of the NZCPS.

Aquaculture

40. The Plan provisions do not provide for Aquaculture in appropriate places. The only specific reference to aquiculture is in Policy 5 which sets out to determine appropriate use and

³ Appendix 20- Significant Coastal Areas’ and ‘Volume 3- Maps’ in the New Plymouth District Plan, operative 15 August 2005

development. There are no rules specific to aquiculture activities, is therefore uncertain where Aquiculture is provided for in the Plan.

41. Forest & Bird is concerned that without direction in the Plan for aquaculture activities to be undertaken only in appropriate places as set out in Policy 8 of the NZCPS, proposals could be considered in inappropriate locations. Inappropriate places include areas of indigenous biodiversity, areas of outstanding natural character and outstanding natural features and landscapes and Historic heritage which require protection in the NZCPS.
42. As written it is very difficult to ascertain from Policy 5 whether aquaculture would be considered an appropriate activity in the CMA and in what discrete areas it would be provided for (or restricted from). While the s32 report notes that “Policy 5 generally recognises the benefits of and opportunities for ‘appropriate’ resource use and development in the coastal environment, including aquaculture” Forest & Bird consider that a ‘general recognition’ is an insufficient way to manage the effects of an activity with potentially significant adverse effects. It is also inconsistent with the direction provided in the NZCPS. Further, the directive nature of Policies 11, 13 and 15 in the NZCPS require that the plan define how the effects of aquaculture will be managed. Without a specific provision limiting aquaculture to well-defined ‘appropriate’ areas it will be extremely difficult to assess where aquaculture should be allowed.
43. Relief sought:
 - a. Include policy direction to identify appropriate places for Aquiculture
 - b. Until appropriate places are identified:
 - (i) exclude aquaculture activities in Outstanding Value areas, Estuaries Modified and Estuaries Unmodified
 - (ii) state that consent will not be granted for aquiculture in any area with the values and characteristic set out in Policy 14 (as amended to address the relief sought in these submissions)
 - (iii) Aquiculture proposals must also be consistent with other Policies 1-21 of the plan as a minimum

Appropriate use

44. Forest & Bird is concerned that Policy 5: Appropriate use and development of the coastal environment, would result in adverse effects on significant indigenous biodiversity, including adverse effects on threatened and at risk marine mammals, natural character, and natural features and landscapes of the coastal environment which require protection.
45. The approach set out is inconsistent with the RPS as it effectively determines an activity as appropriate without providing for protection. Under Policy 5 protection is to be achieved having regard to criteria. Where as, the RPS (Coastal CNC Policy 2) sets out direction for protection of natural character by having regard to criteria to determine appropriate use.
46. It is not appropriate to provide a policy which determines generally whether use and development of the coastal environment is “in an appropriate place and form and within appropriate limits”. This does not give effect to the NZCPS which provides more specific direction.
47. The NZCPS provides for certain activities (e.g. aquaculture and the operation of ports) in appropriate places and within appropriate limits, it also provides directive policies for protection of specific values and characteristics of the coastal environment. This includes:

- a. Objective 6, which specifically recognises that protection of the values of the coastal environment does not preclude use and development in appropriate places, forms and within appropriate limits.
 - b. Policy 6, which includes:
 - (i) Provision for development without compromising other values of the coastal environment and without compromising activities of national and regional importance that have a functional need to be in the CMA.
 - (ii) consideration where appropriate, to buffer areas and sites of significant indigenous biological diversity or historic heritage value.
 - (iii) Recognising activities that have a functional need to be located in the CMA and to provide for them in appropriate places.
 - c. Policy 7, which provides direction to the preparation of plans to identify areas where particular activities are inappropriate, and to provide for protection from inappropriate subdivision, use, and development in those areas through objectives, policies, and rules.
 - d. Policy 8, which requires regional coastal plans to provide for aquaculture activities in appropriate places.
 - e. Policy 9, which directs the consideration of when how and when to provide in plans for efficient and safe operation of ports and development for shipping and transport connection.
 - f. Policy 11, which directs the protection of indigenous biological diversity and sets out where adverse effects are to be avoided, significant effects are to be avoided, and other effects are to be avoided, remedied or mitigated.
 - g. Policy 13, which directs the protection of natural character from inappropriate subdivision, use, and development and sets out where adverse effects are to be avoided, significant effects are to be avoided, and other effects are to be avoided, remedied, or mitigated.
 - h. Policy 15, which directs the protection of natural features and landscapes from inappropriate subdivision, use, and development and sets out where adverse effects are to be avoided, significant effects are to be avoided, and other effects are to be avoided, remedied, or mitigated.
 - i. Policy 17, which directs the protection of historic heritage from inappropriate subdivision, use, and development by identification of sites, providing for integrated management and recognising conservation through inclusion of policies, rules, and methods in plans and sets out matters for consent conditions.
 - j. Policy 20, which directs the identification of locations where vehicular access is required and directs councils to make appropriate provision for such access.
48. The approach in Policy 5 of the Plan of determining appropriate use and development by having regard to the matters listed in the policy does not:
- a. Identify appropriate places or specify appropriate forms or limits
 - b. Identify any areas where particular activities are inappropriate
 - c. Identify appropriate places for aquaculture
 - d. Provide for protection set out in policies 11, 13, 15 and 17 of the NZCPS

- e. Appear to enable other plans to have regard to other matters relevant to activities landward of the CMA such as appropriate provision for vehicle access under Policy 20 of the NZCPS
 - f. Achieve the objectives of the Plan
 - g. Give effect to the NZCPS
49. Policy 11 of the NZCPS directs a higher level of protection than Policies 13, 15 and 17 as there is no consideration of whether an activity is inappropriate. Applying proposed Policy 5 in relation to Policy 11 of the NZCPS would not give effect to the NZCPS.
 50. Forest & Bird accepts that it is helpful to plan users to know whether the activity they wish to undertake is appropriate given the NZCPS direction to avoid inappropriate subdivision, use, and development. However the determination of 'inappropriate' must be considered on the basis of effects in locations, places or areas of the coastal environment and this makes it difficult to determine appropriateness on an activity basis. Forest and Bird has considered how the policy could be amended to addresses these issues as set out under relief sought below.
 51. The most practical and effective approach in our view is to identify the values and areas to be protected so that it is clear which locations are not appropriate places for subdivision, use, and development. However not all indigenous biodiversity to be protected under Policy 11 of the NZCPS can be identified within specific areas and council will still need to provide for protection through appropriate permitted activity conditions and consent processes.
 52. In addition to providing direction for activities under this coastal plan the regional and district councils will need to consider consistency with this policy when developing other regional plans and district plans in the coastal environment. In this respect the policy is uncertain and may result in inconsistent planning approaches and consent decision. Ultimately the application of Policy 5 will not achieve the sustainable management purpose of the RMA.
 53. Forest and Bird considered that the provision for new infrastructure under Policy 6 is not appropriate as proposed. This is because the terminology and scope are both uncertain and do not align with the NZCPS.
 54. Policy 6 uses different terminology to Policy 5, it requires "appropriate management". The term "management" implies that there are adverse effects to manage in some way. As such this recreates an inconsistency with policy direction to avoid adverse effects on the values under Policies 11(a), 13(1)(a) and 15(a) of the NZCPS. There is also some uncertainty to whether policy 5 is intended to provide guidance on what is "appropriate" under this policy.
 55. Resolving the inconsistencies of these terms is particularly important if policy direction to provide for "new" infrastructure is to be retained, as the NZCPS includes direction to identify areas where subdivision, use and development may be inappropriate. It would be inconsistent with the NZCPS to provide for 'new and existing infrastructure of regional importance or significance' over the direction to protect as set out in Policies 11, 13, 15 and 17 of the NZCPS.
 56. It is also uncertain as to what infrastructure can be considered under the policy as it includes "infrastructure of significance" which is not a defined term in the plan. Note that we address the definition of "Regionally important infrastructure" in Table 1.
 57. Forest & Bird accepts that it is appropriate to include policy direction to give effect to the NPS for Electricity Transmission (which provides direction for new and existing national grid infrastructure) and the National Environmental Standard for Electricity Transmission Activities (which provides regulations for the operational, maintenance and minor upgrading of existing national grid infrastructure). It is also appropriate to provide for the maintenance of existing

lawfully established infrastructure where the effects of maintenance are managed to avoid and avoid, remedy and mitigate adverse effects consistent with the NZCPS.

58. Relief sought:

1) Amend Policy 5 by:

- a. Amending the first sentence to state that "Activities may be considered appropriate, subject to Policies XX (list policies which give effect to the protection requirements of the NZCPS), having regard to the location, form and appropriate limits, including:"
- b. There are also a number of inconsistencies and uncertainties in the wording of (a) to (i) of Policy 5 which we address in more detail in Table 1 below.

2) Amend Policy 6 to:

- c. provide for new infrastructure as set out in the NPS ET,
- d. provide for activities regulated under the NES,
- e. provide for maintenance to enable the safe operation of existing regionally important infrastructure
- f. Consider providing for new regionally important infrastructure consistent with Policy 5 as amended above.
- g. Consider and provide for the activities above "subject to appropriate avoidance, remediation, or mitigation of adverse environmental effects."

Table 1. Submissions on specific Plan provisions

Provision	Oppose/Support	Reasons	Decision requested
1.4.2 The coastal environment	Support in part	Support the scope of the plan which includes objectives, policies and methods for integrated management. This recognises the effects activities undertaken on land can have on the CMA. It is also appropriate to capture the effects of activities undertaken in the CMA which extent beyond the CMA. However the latter is not clearly explained.	Clarify in the second paragraph that the rules in this plan apply to activities in the CMA, including where those activities may have an adverse effect on outstanding values and significant indigenous biodiversity values outside of the CMA.
1.7 Coastal management areas	Oppose	As set out under Key issues of this submission the coastal management approach is uncertain in the context of the coastal environment. It is unclear why coastal management areas do not apply to the full coastal environment.	If the coastal management area approach is retained, amend Section 1.7 to clarify how the coastal environment landward of the CMA is considered under this approach. Amend as necessary to ensure consistency with amendments sought to Policy 1 in this submission.
1.7.1 Outstanding Value	Oppose	The description of Outstanding Value management area is uncertain in the context of the NZCPS, in particular the directive policies to protection and preservation of outstanding natural character, natural features and landscapes. Clarify that these areas are identified in the plan within the CMA and	If the coastal management area approach is retained, amend Section 1.7.1 to: <ul style="list-style-type: none"> • clarify how this relates with the NZCPS and relevant policies in the Plan. • correct the reference from Schedule 1 to <u>Schedule 2</u>.

Provision	Oppose/Support	Reasons	Decision requested
		<p>where those areas extend beyond the CMA.</p> <p>The reference to Schedule 1 appears to be in error as the values and characteristic are set out in schedule 2.</p> <p>Also refer to the relevant policy(s) in the Plan which set out how these areas are to be identified.</p>	
1.7.2 Estuaries Unmodified	Oppose	<p>It is uncertain whether the identification of these estuaries as management areas was undertaken on the basis of the values and characteristics to be protected by provisions in the NZCPS. Natural character is an important value within estuaries. Clarify how this has been considered.</p>	<p>Clarify whether these areas are determined on the basis of values and characteristics under Policies 11, 13 and 15 of the NZCPS, or as the heading suggests, on the basis of modification.</p> <p>If the later, explain that the plan sets out to protect values and characteristics of these estuaries asset out in Policies 8, 9 and 14 (as amended to address our submissions on those policies).</p>
1.7.3 Estuaries Modified	Oppose	as above	<p>Clarify whether these areas are determined on the basis of values and characteristics under Policies 11, 13 and 15 of the NZCPS, or as the heading suggests, on the basis of modification.</p> <p>If the later, explain that the plan sets out to protect values and characteristics of these estuaries asset out in Policies 8, 9 and 14 (as amended to address our submissions on those policies).</p>
1.7.5 Open Coast	Oppose	<p>The statement that this area is not covered by other management areas is confusing because the same can be said for each management area. This should be clarified by clearly setting out the areas covered.</p>	<p>Amend to clarify whether the open coast is the remaining area of the CMA or coastal environment.</p> <p>Clarify how the values and characteristics to be protected under Policies 11, 13 and 15 of the NZCPS, will be provided for in these areas.</p>

Provision	Oppose/Support	Reasons	Decision requested
		Alternatively by stating that it is the remainder of the coastal environment within and whether this includes areas landward of the CMA.	
2.2 New Zealand Coastal Policy Statement	Oppose	<p>The first paragraph is misleading as NZCPS is not limited to “key national matters”. The purpose of the NZCPS is to achieve the purpose of Act in relation to the coastal environment. The NZCPS is to be implemented at the regional and district council level; such that plans must give effect to it and resource consent processes must have regard to it.</p> <p>The bullet point reflecting the matters set out in policy 11 of the NZCPS needs to recognise “protection” as this is a key aspect of the NZCPS.</p>	<p>Amend the first paragraph of Section 2.2 as follows: “The New Zealand Coastal Policy Statement 2010 (NZCPS) contains objectives and policies to address key national matters facing the coastal environment and to achieve the purpose of the RMA. <u>By giving effect to the NZCPS in this plan Councils responsibilities to provide for matters of national importance under s6 of the RMA is also achieved for the coastal environment..</u></p> <p>Amend Section 2.2 as follows: <u>“protection of indigenous biological diversity”</u></p>
2.5 Other legislation	Support in part	<p>It is helpful to explain that other legislation applies in the coastal environment. However it is not clear what relationship this has to the Plan.</p> <p>Policy 5 of the NZCPS also sets out direction for council to consider land or waters managed or held under other Acts.</p>	<p>Amend section 2.5:</p> <ul style="list-style-type: none"> to consider the legislation and Acts under Policy 5 of the NZCPS recognise the relationship between the Plan and the EEZ and how the Plan addresses, or not, the effects that extend beyond the CMA or into the CMA. explain the relationship between this plan and other Acts/legislation
3.1 Taranaki coastal environment:	Support in part	Providing an overview of the	Amend the third para in Section 3.1 to recognise

Provision	Oppose/Support	Reasons	Decision requested
		<p>Taranaki coastal environment and particular issues in the Taranaki region is helpful context for the Plan. However in setting out these issues and management considerations the significant natural values of the coastal environment as a matter of national importance must also be recognised.</p> <p>While there may low demand for activities in the CMA currently, Plan should also recognise that existing activities with CMA , past uses and activities beyond the CMA continue to put pressure on natural processes and result in a loss of significant and outstanding values in Taranaki’s coastal environment.</p> <p>Recognised the relationship between subdivision, use and development on land and the CMA.</p> <p>Recognise the effects of climate change and the need to provide for the habitat of coastal species, particularly adjacent to the foreshore to move landward.</p> <p>It is not appropriate to consider activities as “Appropriate use and development” on the basis of the benefits of the activities. Under</p>	<p>existing pressures on the coastal environment, including from beyond the CMA and that low current demand does not mean management of effects can be relaxed.</p> <p>Amend the text under “Integrated management” to recognise:</p> <ul style="list-style-type: none"> • the effects of subdivision, use and development on land in the coastal environment on the CMA. • that demand for activities in this area is high. • the need to provide for migration of coastal habitat landward as a result of climate change. <p>Delete the text under Appropriate use and development. Alternatively amend to address our submissions under Key Issues above, on this topic.</p> <p>Amend the text under “Natural and historic heritage”:</p> <ul style="list-style-type: none"> • in the first paragraph to include “intrinsic” in the list of values. • Either specify that natural heritage captures the characteristics and values in Policies 11, 13 and 15 of the NZCPS or use wording consistent with those policies.

Provision	Oppose/Support	Reasons	Decision requested
		<p>the NZCPS appropriateness must be determined within limits and places and in terms of providing protection of characteristics and values.</p> <p>As written it is not clear what provisions of the NZCPS are intended to be addressed under the “natural” part of Natural and Historic Heritage.</p> <p>Historic heritage must be provided for consistent with Policy 17 of the NZCPS.</p>	
Section 4 Objectives			
Objective 1: Integrated management	Support in part	An integrated management approach is supported however it is not clear that the objective is to integrate subdivision, use and development between district and regional functions.	Amend as follows: “Management of the coastal environment, including the effects of <u>subdivision</u> , use and development on land, air and fresh water, is carried out in an integrated manner <u>including between regional and district council functions.</u> ”
Objective 2: Appropriate use and development	Oppose	<p>As proposed this objective is inconsistent with the provisions of the NZCPS.</p> <p>While we support an approach for efficient use, efficient use does not make an activity appropriate. Nor does dependence make an activity appropriate. The objective does not appropriately provide for Policy 6(2) which provides that activities</p>	<p>Amend as follows: “Objective 2: Appropriate <u>Efficient</u> use and development Natural and physical resources of the coastal environment are used efficiently, and activities that depend on the use and development of these resources are provided for in appropriate locations.”</p>

Provision	Oppose/Support	Reasons	Decision requested
		<p>without a functional need should not generally be provided for in the CMA.</p> <p>Efficiency is to be promoted in the CMA under Policy 6(2)(e) of the NZCPS</p> <p>The objective appears to conflict with the King Salmon decision as discussed under Key issues of this submission above.</p>	
Objective 3: Reverse sensitivity	Oppose	<p>This objective is inconsistent with Policy 6(1)(e) of the NZCPS as it would prioritise the protection of existing lawfully established activities over the development of new regionally significant infrastructure.</p> <p>It may not always be appropriate to protect existing lawfully established activities from new use and development in the coastal environment. For example the provision for public access in the NZCPS which impacts on existing lawful uses may be appropriate to give effect to the NZCPS. Likewise a new activity or infrastructure may be appropriate in the location of an existing lawful activity and not in an area where other significant or outstanding values are to be protected.</p>	Delete objective 2

Provision	Oppose/Support	Reasons	Decision requested
Objective 4: Life-supporting capacity and mauri	Support	<p>Life supporting capacity sets a clear objective for the quality of coastal water, land and air that sit to be safeguarded in the coastal environment.</p> <p>This objective is consistent with achieving Policy 21 of the NZCPS.</p>	Retain
Objective 5: Coastal water quality	Support	<p>It is necessary to maintain and enhance water quality in the coastal environment to give effect to the NZCPS. In some cases water quality will also need be protected as a significant/outstanding value or characteristic.</p> <p>To achieve this objective additional policy direction is required. This includes policy direction to set water quality standards for:</p> <ol style="list-style-type: none"> 1. lakes, rivers, streams and freshwater springs in the coastal environment 2. the sea, including sites/areas of significant indigenous biodiversity, sites where aquaculture activities are appropriate and within estuaries in the CMA 	<p>Retain the Objective</p> <p>Add new provisions as necessary to provide for integration with the approach to water quality and quantity management set out in the NPS FM and to ensure that the NZCPS is given effect. This will include establishing numeric and descriptive water quality objectives/targets and setting standards for water bodies, and estuaries and sites at sea, in this Plan.</p>
Objective 6: Natural character	Support in part	The objective gives effect to policy 13 of the NZCPS. However the objective is not consistent	<p>Amend as follows:</p> <p>“The natural character of the coastal environment is preserved and protected from inappropriate</p>

Provision	Oppose/Support	Reasons	Decision requested
		<p>with Policy 14.</p> <p>Policy 14 of the NZCPS sets out that natural character is to be restored/ rehabilitated by identifying opportunities for restoration, in particular in degraded areas requiring restoration.</p> <p>The NZCPS also includes “subdivision”. While this is not a regional council function, the plan clearly states that it provides for integrated management in the coastal environment and recognises effects of land use on the CMA.</p>	<p><u>subdivision</u>, use and development and is restored where <u>degraded</u> appropriate.”</p>
<p>Objective 7: Natural features and landscapes</p>	<p>Support</p>	<p>Policy 15 of the NZCPS includes “subdivision”. While this is not a regional council function, the plan clearly states that it provides for integrated management in the coastal environment and recognises effects of land use on the CMA.</p>	<p>Amend as follows: “The natural features and landscapes of the coastal environment are protected from inappropriate <u>subdivision</u>, use and development.”</p>
<p>Objective 8: Indigenous biodiversity</p>	<p>Oppose</p>	<p>As written the objective is not consistent with Policy 11 of the NZCPS which sets out to protect indigenous biodiversity.</p> <p>In addition the policy framework does not reflect the need to identify areas of significant biodiversity, or values and characteristic of biodiversity under policy 11 of the NZCPS to</p>	<p>Amend to read: “protect indigenous biodiversity in the coastal environment”</p>

Provision	Oppose/Support	Reasons	Decision requested
		protect and maintain as set out in the Objective.	
Objective 11: Historic heritage	Support	The objective is consistent with Policy 17 of the NZCPS.	Retain
Objective 12: Public use and enjoyment	Support in part	The objective provides for aspects of Policies 16, 18, 19 and 20 of the NZCPS. It would be improved by specifically recognising the other matters which are to be provided for or restricted in relation to public use and access of the coastal environment.	Amend to recognise additional matters set out in the NZCPS in the following policies: Policy 16 (a); Policy 18(a),(b),(d) and (e); Policy 19(1), (3) and (4); and Policy 20
Objective 13: Coastal hazard risk and public health and safety	support in part	The objective does not provide an integrated approach to natural hazard risk or health and safety in the coastal environment. Consider amendment which provides general objective a) for coastal environment and separate b) for CMA.	Amend the objective consistent with an integrated management approach to the coastal environment and to reflect the matters set out in Policies 24, 25, 26 and 27 of the NZCPS.
Section 5 Policies			
5 Policies, page 19 – introduction summary	Support in part	The introduction to the 5.1 policies fails to recognise policies 11, 13 and 15 of the NZCPS which provide for the protection of significant and outstanding natural values.	Amend the 5.1 policies summary introduction on page 19 as follows: “Section 5.1 contains...which relate to: 1. ... <u>1A. protection of significant and outstanding values and characteristics of the coastal environment</u> 2. ...”
5.1. General policies 1-5			
5.1. General policies – introduction	Support in part	The policies approach capturing	1. Amend the first paragraph

Provision	Oppose/Support	Reasons	Decision requested
<p>paragraphs page 20</p>		<p>the full coastal environment provides for integrated management consistent with the NZCPS.</p> <p>However the introduction does not clearly describe the extent of the coastal environment and the reliance on coastal management areas contradicts the intent that the policies apply to the coastal environment.</p> <p>Paragraph 1 refers to the “management of significant values” however the policies do not set out direction on significant values. It is common in giving effect to polices 11(a), 13(1)(a) and 15(a) of the NZCPS to refer to those values as significant and outstanding. The NZCPS provides for the protection of these values rather than the management of them.</p> <p>Paragraph 2 is uncertain as it is not clear how the policies apply to activities which are not specifically in a coastal management area. Depending whether the coastal management areas include the full coastal environment or just the CMA. The</p>	<p>“This section provides the overall direction for achieving integrated management <u>for the protection of significant and outstanding values</u> and matters in the coastal environment (i.e. both the coastal marine area and areas <u>landward</u> where coastal processes, influences or qualities are significant) in order to achieve the objectives of this Plan.”</p> <p>2. Amend the second paragraph as follows: “The policies apply to all activities in the coastal environment, regardless of which coastal management area the activity may fall within (coastal management areas are identified in Schedule 1 and their characteristics are described in Policy 1).”</p> <p>2. Add reference to the extent of the coastal environment set out on the planning maps.</p> <p>3. Amend the planning maps:</p> <p>a. Amend the maps to identify the extent of the coastal environment</p> <p>b. Alternatively amend the maps to identify an indicative extent of the coastal environment.</p> <p>c. Support an indicative extent with policy direction to confirm the extent of the coastal environment such that in being consistent with the coastal plan district councils will identify this within district plans using a criteria set out in Policy 4 of this plan.</p> <p>d. Amend the introduction to clarify the extent of the coastal management areas.</p> <p>e. Amend the reference to Schedule 1 to clarify that the schedule lists Policy 1(a), (b), (c) and (e) areas with</p>

Provision	Oppose/Support	Reasons	Decision requested
		second paragraph is also misleading as Policy 1 does not appear to capture the entirety of the coastal environment within the coastal management areas described. Other than (a) Outstanding Value the characteristics for management areas and the identified areas set out in schedules relate to the coastal main area. In addition the maps do show the extent of the management areas.	links to the planning maps and that the Open Coast management area is not identified.
New policies to achieve Objective 5		Add new policies to achieve Objective 5 in the Plan for water quality in the coastal environment to achieve integrated management with the NPS FM and Policy 21 of the NZCPS.	Include policy direction to set water quality targets and standards for freshwater and coastal water in the coastal environment to ensure that upstream water quality does not result in adverse effects in the coastal environment that are inconsistent with giving effect to the NZCPS.
Policy 1: Coastal management areas	Oppose	Forest and Bird has set out its key concerns with the Coastal management area approach under Key issues submission above.	Delete Policy 1 Alternatively amend to address concerns set out in Key issue submissions above and amendments suggested to specific wording of the policy below. Consider amending the description of the management approach in Section 1.7 to clarify matters raised in these submission that are not necessary to set out in the policies.
Policy 1 (a): Outstanding Value	Oppose	This policy is inconsistent with the	Amend 1(a) to read: "Outstanding Value: <u>These</u>

Provision	Oppose/Support	Reasons	Decision requested
		<p>definition for Outstanding values which does not include marine reserves.</p> <p>Marine reserves have been identified separately on the planning maps. While the current reserves and protected areas appear to fall within outstanding value areas the Policy should not imply that an outstanding value area or a reserve is determined on the basis of the other being in the same location. It appears inconsistent with the NZCPS and unnecessary to include marine protection areas under policy 1(a). Rule which provide for consideration of activities in Outstanding value areas should specifically protect marine reserves through conditions and restrictions on activities which can be considered.</p>	<p><u>coastal management areas represent those areas that have been identified to meet the criteria under policy 8: Outstanding Natural Character and policy 9 Outstanding Natural Features and Landscapes. They are listed in schedule 1(a) and shown on the Planning maps. The values and characteristics of these identified areas are set out in schedule 2.</u></p> <p>Provide for the protection of Marine reserves and Protected marine areas under relevant policies which provide for the protection of the values of those areas and setting out restrictions in rules as necessary. Include specific provisions for these areas if necessary.</p>
Policy 1(b): Estuaries Unmodified	Oppose	<p>The policy is uncertain as to whether the values and criteria set out are to determine which estuaries fit under this provision or for the protection of the values in these estuaries.</p> <p>As the values and characteristics do not adequately in terms of Policy 11 of the NZCPS.</p>	<p>Amend Policy 1(b) to read: “Estuaries Unmodified: <u>These coastal management areas are those estuaries that are permanently open to tidal movements. These areas do not include estuaries identified as Outstanding value areas.</u></p> <p><u>They are listed in schedule 1(b) and shown on the Planning maps.</u></p> <p><u>In determining the values and characteristic in these estuaries have particular regard to Policy 14 Indigenous Biodiversity, Policy X High natural character, Policy X other natural character, Policy X</u></p>

Provision	Oppose/Support	Reasons	Decision requested
		<p>The relationship between natural value areas which may include estuaries and unmodified estuary management areas is not clear.</p> <p>It is not clear whether all unmodified estuaries (other than those in Outstanding Value management areas) are captured under this management area.</p> <p>Estuary unmodified is already defined as being those in Schedule 1 so any characteristics here only make the definition uncertain.</p>	<p><u>other natural features and landscapes and Policy XX water quality.”</u></p>
Policy 1(c): Estuaries Modified	Oppose	<p>It is not clear whether all Modified estuaries are identified as part of this management area.</p> <p>Estuary unmodified is already defined as being those in Schedule 1 so any characteristics here only make the definition uncertain.</p>	<p>Amend Policy 1(c) to read: “Estuaries Modified: <u>These coastal management areas are those estuaries that are permanently open to tidal movements and have been modified. These areas do not include estuaries identified as Outstanding value areas or Estuary Unmodified.</u> <u>They are listed in schedule 1(b) and shown on the Planning maps.</u> <u>In determining the values and characteristic in these estuaries have particular regard to Policy 14 Indigenous Biodiversity, Policy X High natural character, Policy X other natural character, Policy X other natural features and landscapes and Policy XX water quality.”</u></p>
Policy 1(d): Open Coast	Oppose	<p>The area of coast to which this clause (d) of Policy 1 applies is</p>	<p>Amend Policy 1(d) to read: “Open Coast: <u>This coastal management are represents the remaining areas of</u></p>

Provision	Oppose/Support	Reasons	Decision requested
		<p>particularly uncertain. As area is to be determined by elimination, such that is it not already identified in Policy 1 and secondly by its characteristics. The question arises as to area of the coast to which neither apply.</p> <p>It is necessary to clarify the extent of this area as the policies in section 5.1 apply to the whole coastal environment.</p> <p>Clarify whether estuaries which are not permanently open to the sea are included.</p> <p>Section 1.7.5 of the plan states that the “open coast” is the area of the CMA not covered by other management areas”.</p> <p>In particular it is not clear whether “open coast” includes the foreshore or landward of the CMA.</p>	<p><u>the coastal marine area not identified in (a),(b),(c) and (e) of this Policy, this includes estuaries which are not permanently open to the sea.</u></p> <p><u>All other policies of the plan are relevant to determining values and characteristics of the coastal environment in this area.”</u></p>
Policy 1(e): Port	Oppose	<p>It is important to identify the key characteristics, values and uses of these areas which the policy seeks to manage through the coastal management area approach.</p> <p>Clarify that the area is established from the Ports consent to occupy space in the CMA until 2026 (as set out in operative plan Policy 1.1(c)vii).</p>	<p>Amend Policy 1(e) to read: “Port Taranaki”: <u>This coastal management area represents the operational management area of Port Taranaki. The operational considerations and provisions for development capacity are set out in Policy X.</u></p> <p><u>In determining the values and characteristic in these estuaries have particular regard to Policy X Port of Taranaki, Policy 14 Indigenous Biodiversity, Policy X High natural character, Policy X other natural character, Policy X other natural features and landscapes and Policy XX water quality.”</u></p>

Provision	Oppose/Support	Reasons	Decision requested
		<p>The statement in clause (iii) that the area “contains port related activities that are accepted as appropriate uses of this coastal management area” is unclear as the plan does not set out policy direction to determine such activities.</p> <p>This policy is uncertain as appears to confuse its purpose of identifying the management area with activities and matters recognised in Policy 9 of the NZCPS.</p>	<p>Add a new Policy X specific to the Port of Taranaki consistent with Policy 9 of the NZCPS.</p>
<p>Policy 2: Integrated management</p>	<p>Support in part.</p>	<p>Forest and Bird support the inclusion of a policy setting out how integrated management is to be achieved. However the policy as proposed is uncertain in terms of giving effect to Policies 4 and 5 of the NZCPS and is not consistent with the purpose of the RMA set out in section 5.</p> <p>Clause (a) is uncertain as section 5 of the RMA sets out responsibilities to address adverse effects on the environment. The NZCPS also sets out direction to avoid adverse effects. While positive and negative effects of proposals can be considered under s104 of the RMA this is not a direction to</p>	<p>Amend clause (a) of Policy 1 as follows: “(a) implementing policies under section 5.1 of the Plan in managing the <u>location, form and limits</u> effects of activities (positive and negative) undertaken in the coastal marine area <u>to protect and preserve the indigenous biodiversity, natural character, natural feature and landscape</u> on <u>significant</u> values and characteristics of the wider coastal environment;”</p> <p>Add a new clause for the reverse of clause (a), to provide for the integration of activities on land that may adversely affect these values in the coastal marine area.</p> <p>Amend clause (b) by deleting the word “manage”</p> <p>Amend clause (d) or schedule 1 to specify which</p>

Provision	Oppose/Support	Reasons	Decision requested
		<p>manage a positive effect.</p> <p>As set out in relation to Appropriate activities key issues comments, “managing” effects is not certain when “avoidance” is required by the NZCPS.</p> <p>As set out in relation to 5.1 the plan does not currently include any policy direction to determine “significant values”, however it commonly is intended to capture Policy 11(a) of the NZCPS or s6(c) of the RMA. The implication that effects on significant values are the only considerations is not consistent with giving effect to the NZCPS. Integrated management must be undertake consistent with achieving protection required under Policy 11, 13 and 15.</p> <p>Clause (c) is uncertain as it includes a term for which does not have a common meaning</p> <p>Clause (e) is supported in part, for consistency it needs to include where significant indigenous biological diversity (consistent with Policy 11 of the NZCPS) has been identified in other plans.</p>	<p>areas have legal protection.</p> <p>Amend clause (e) to include where significant indigenous biological diversity (consistent with Policy 11 of the NZCPS) has been identified in other plans.</p> <p>Amend clause (g) to provide for collaboration consistent with policy 4 and 5 of the NZCPS.</p>

Provision	Oppose/Support	Reasons	Decision requested
		Clause (g) is uncertain as it appears to limit collaboration to Policy 15 matters which relates to historic heritage. It is also appropriate to provide for wider collaboration to give effect to the NZCPS.	
Policy 3: Precautionary approach	Oppose	<p>The NZCPS doesn't mention adaptive management at all, so the wording "which may include using an adaptive management approach" here is inconsistent and should be removed. In addition, a precautionary approach does not include adaptive management, as adaptive management is not inherently "precautionary" (it is instead a 'trial and error approach').</p> <p>There is also a failure to provide for Policy 3(2) of the NZCPS here, as there's no mention of a precautionary approach being taken in regards to effects of climate change.</p>	Remove reference to adaptive management. Reword to give effect to Policy 3 of the NZCPS and by including reference to the effects of climate change.
Policy 4: Extent and characteristics of the coastal environment	Oppose	<p>The policy is uncertain and does not give effect to the NZCPS.</p> <p>Clause (a) appears to be a summary of Policy 1 of the NZCPS however it fails to capture the extent and characterises to be recognised. In particular there is no recognition of habitats of</p>	<p>Amend Policy 4 to capture the extent and characteristics in Policy 1 of the NZCPS.</p> <p>Alternatively amend the policy to refer to the extent of the coastal environment set out on the planning maps and that the maps identified the extent consistent with the extent and characteristic in policy 1 of the NZCPS within Taranaki. Allow that case by case consideration may be undertaken through</p>

Provision	Oppose/Support	Reasons	Decision requested
		<p>indigenous coastal species including migratory birds.</p> <p>Clause (b) is uncertain as it applies to significant values, however there is no policy direction in the proposed plan to identify significant values or characteristics landward of the CMA. Nor does the plan provide for this within the CMA.</p> <p>Clause(b) suggests a limitation on the extent of the coastal environment based on effects from activities within the CMA. This approach is not consistent with Policy 1 of the NZCPS</p> <p>As written the policy prevents district councils from identifying the extent of the coastal environment within a district plan or on planning maps for the region. While provision should be retained for case by case consideration, to effectively provide for permitted activities within the coastal environment and ensure that plans give effect to the NZCPS, regional and district councils should work together to identify the extent of the coastal environment such that it can at least be indicatively identified in planning maps including in district</p>	<p>consent processes consistent with in Policy 1 NZCPS.</p>

Provision	Oppose/Support	Reasons	Decision requested
		plans.	
Policy 5: Appropriate use and development of the coastal environment	Oppose	<p>In addition to the reasons and relief sought on the policy in Key Issues to this submission, there are uncertainties with the wording.</p> <p>Amend the words “appropriate places” to “appropriate locations” for consistency with wording in other provisions in the plan.</p> <p>Clause (b) suggests that aquiculture may be appropriate on the basis of benefits from the activity. This is too general to give effect to the direction of the NZCPS which provides for aquiculture in appropriate places under Policy 8 of the NZCPS.</p> <p>Clause (j)(ii) reference to Policy 1 is not appropriate as that policy does not set out the values and characteristics which require protection under the NZCPS.</p>	<p>Amend this policy as sought in Key issues part of this submission</p> <p>Amend Clause (b) to recognise the potential for renewable energy consistent with policy 6(2)(a) of the NZCPS and if necessary to provide for Policy 8(c). Delete the reference to the potential of aquiculture as this is uncertain without identification of appropriate places.</p> <p>Amend clause (j)(ii) by deleting “with particular reference to Policy 1”</p> <p>Amend the words “appropriate places” to “appropriate locations” for consistency with wording in other provisions in the plan.</p>
Policy 6: Activities important to the well-being of people and communities	Oppose	<p>The policy is not consistent with Policies 6 and 7 of the NZCPS as it does not recognise identified areas where particular activities, subdivisions, use or development are inappropriate or limit the provision of new infrastructure to appropriate places.</p>	<p>Amend as sought in Key Issues of this submission.</p>
Policy 8: Areas of outstanding value	Oppose	<p>Limiting the policy to areas</p>	<p>Amend Policy 8 as follows: “Protect the visual quality</p>

Provision	Oppose/Support	Reasons	Decision requested
		identified in schedule 1 does not enable additional areas identified as outstanding to be protected.	and the physical, ecological and cultural integrity of coastal areas of outstanding value, <u>including those areas</u> identified in Schedule 1, from inappropriate use and development by: (a) avoiding adverse effects of activities on the values and characteristics, <u>including those</u> identified in Schedule 2, that contribute to areas: ...”
Policy 9: Natural character and natural features and landscapes	Oppose	The policy does not provide for avoidance of adverse effects out outstanding values which may not be identified in schedule 2. The matters to have regard are not consistent with directive policies for protection. Clause (v) is particularly uncertain as the provisions do not currently identify significant areas of vegetation, nor does it reflect the protection required by Policy 14 of the plan. Biodiversity may not need to contain significant values to be important for natural character or landscape reasons.	Amend Policy 9 to include an additional clause reflecting Policy 13(1)(a) and 15(a) of the NZCPS: <u>“(x) avoiding adverse effects of activities on natural character of the coastal environment with outstanding natural character and on outstanding natural features;”</u> Amend clause (v) as follows: <u>“maintains the integrity of significant areas of indigenous vegetation, protects significant indigenous biodiversity and maintains or enhances indigenous biodiversity;”</u>
Policy 10: Restoration of natural character	Support	restoration is an important consideration under the NZCPS	Retain
Policy 11: Coastal water quality	Support in part	The policy generally reflect policy 21 of the NZCPS. However it does not direct the need to set limits and targets to be identified under	Retain and add additional policy sought above.

Provision	Oppose/Support	Reasons	Decision requested
		<p>Policy 7(2) of the NZCPS, necessary to achieve integrated management with the requirements of the NPSFM.</p> <p>A new policy is sought to address these concerns and achieve Objective 5 of this plan (refer above to section 5.1 submission)</p>	
<p>Policy 14: Indigenous biodiversity</p>	<p>Support in part</p>	<p>The policy is generally consistent with Policy 11 of the NZCPS and the additional to the wording in the clauses clarifies habitats and values in the Taranaki region. However the wording in clause (a)(iii) limits the protection of indigenous ecosystems and vegetation types to those identified in schedule 4A of the proposed plan. This limitation is not appropriate as it does not allow for consideration of ecosystem types or vegetation which may be identified as threatened or naturally rare at a later date.</p> <p>The Policy does not set out to identify areas with significant values. It is particularly uncertain under the policy how the avoidance of adverse effect on Policy 11(a) areas and the avoidance of significant adverse effects on Policy 11(b) areas will be achieved to give effect to the</p>	<p>Amend Policy 14 clause (iii) as follows: “indigenous ecosystems and habitats found only in the coastal environment and which are particularly vulnerable to modification including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass, saltmarsh, and sensitive marine benthic habitats as, including those identified in Schedule 4B;</p> <p>Amend Policy 14 or add a new policy to identify areas of significant indigenous biodiversity including criteria as sought in out submissions under Key Issues above.</p>

Provision	Oppose/Support	Reasons	Decision requested
		NZCPS.	
Policy 18: Amenity values	Support in part	Maintenance an enhancement of amenity is generally consistent with the NZCPS, however it is not clear whether these areas are to be identified in terms of significant indigenous biodiversity values.	Retain and amend to recognise amenity values associated with protecting indigenous biodiversity
Policy 19: Surf breaks and Significant Surfing Area	support	Many surf breaks are important to the natural character of the coastal environment.	retain
Policy 21: Natural hazard defences	support	natural defences are important to the natural character of the coastal environment and to provide for increased effects of climate change.	retain
Section 5.2 Activity – based policies			
Policy 22: Discharge of water or contaminants to coastal waters	support	The direction under (a)(i) provides for protection consistent with Policies 11, 13 and 15 of the NZCPS.	retain the policy
Policy 23: Discharge of untreated human sewage	Support	The policy is consistent with Policy 23 of NZCPS	retain
Policy 24: Discharge of treated wastewater containing human sewage	Support in part	The policy appears consistent with Policy 23 of NZCPS, however it is not clear if the policy provides for a discharge on the basis of appropriate consultation rather than avoidance of effects required by directive policies of the NZCPS.	Amend to ensure that such discharges will not occur where they would result in adverse effects that are to be avoided.

Provision	Oppose/Support	Reasons	Decision requested
Policy 25: New discharges of wastewater containing human sewage	Support in part	The policy needs to be worded to give effect to the directive policies of the NZCPS, including avoiding the effect on matters set out in Policies 11, 13 and 15 of the NZCPS.	Amend to ensure that such discharges will not occur where they would result in adverse effects that are to be avoided.
Policy 26: Improving existing wastewater discharges	Support in part	Improving discharges will enhance environmental values.	Add a new clause giving priority to improving water quality in outstanding and significant areas to give effect to policies 11, 13 and 15 of the NZCPS.
Policy 27: Discharge of stormwater	Support in part	It is not clear whether this will have particular regard to the matters set out in clause (1) of Policy 23 of the NZCPS. As written the policy is uncertain as the matters to be “appropriately managed” suggest a management approach rather than avoidance required by Policies 11, 13 and 15 of the NZCPS.	Amend Policy 27 to include matters set out in Policy 23 (1) of the NZCPS
Policy 28: Harmful aquatic organisms	Support in part	The “minimises” approach is uncertain in the context of protection required under Policy 11 and 13 of the NZCPS. Both the introduction into an area of indigenous biological diversity or potential for spread from it being introduced elsewhere to such an area should have an avoidance approach.	Amend Policy 28 to include an avoidance approach where the introduction of harmful aquatic organisms have potential to adversely affect indigenous biological diversity.
Policy 29: Impacts from offshore petroleum drilling and production	Support in part	Clarify that this policy relates to existing lawful petroleum drilling and production only.	Clarify that this policy relates to existing lawful petroleum drilling and production only and does not include new activities.

Provision	Oppose/Support	Reasons	Decision requested
		A management approach to “avoid, remedy or mitigate adverse effects” is not appropriate to achieve protection required by policies 11, 13 and 15 of the NZCPS.	
Policy 31: Structures that support safe public access and use, or public or environmental benefit	Support in part	The current policies do not provide adequate direction on “appropriate locations” to achieve protection of Policies 11, 13 and 15 of the NZCPS. In clause (d) of “nationally” is not defined in the plan, rather it is included in the definition of “regionally important.	Amend Policy 5 as sought to clarify locations subject to the protective policies in giving effect to the NZCPS
Policy 32: Placement of structures	Support in part	Clause (c) - The current policies do not provide adequate direction on “appropriate locations” to achieve protection of Policies 11, 13 and 15 of the NZCPS. Clause (d) - A management approach to “avoid, remedy or mitigate adverse effects” is not appropriate to achieve protection required by policies 11, 13 and 15 of the NZCPS.	Amend Policy 5 as sought to clarify locations subject to the protective policies in giving effect to the NZCPS. Amend Policy 32 (d) as follows: “will be designed, located and managed; <u>A. to avoid adverse effects in accordance with policies 8, 9, 14</u> [list policies that give effect to Policies 11, 13 and 15 of the NZCPS]; and <u>B, so as to avoid, remedy or mitigate:”</u> (i) any...”
Policy 33: Hard protection structures in coastal areas of outstanding value	Support in part	Activities such as reclamation, hard protection structures, disturbance and weirs within the CMA can have significant impacts on the habitats of flora and fauna within the wider coastal	Amend Policy 33 as follows: “Hard protection structures located within the coastal management area – Outstanding Value (identified in Schedule 2) will not have an adverse effect on the values and characteristics, <u>including those</u> identified

Provision	Oppose/Support	Reasons	Decision requested
		<p>environment. Not all values or characteristic contributing to the outstanding natural character of identified areas, which requiring protection, are identified in Schedule 2.</p> <p>Limiting the policy to schedule 2 areas is not appropriate to achieve protection required by policies 11, 13 and 15 of the NZCPS.</p>	<p>in Schedule 2, that contribute to an area having outstanding value, in accordance with Policy 8.”</p> <p>Add a similar policy for sites and areas with significant values identified under Policy 14 of the Plan</p>
Policy 34: Appropriateness of hard protection structures	Oppose	<p>The policy direction on “appropriateness” is uncertain in the context of the NZCPS which requires plans to provide direction on inappropriate locations/places.</p> <p>Make policy for hard protection structures and then set out policy direction consistent with NZCPS.</p>	Amend Policy 33, 34 or add a new policy to ensure that hard protection structures avoid adverse effects on indigenous biodiversity to be protected under Policy 14 of the plan.
Policy 35: Temporary hard protection structures	Oppose	This policy is uncertain in terms of achieving protection required by policies 11, 13 and 15 of the NZCPS.	Amend the policies to ensure that hard protection structures avoid adverse effects on indigenous biodiversity to be protected under Policy 8, 9 and 14 of the plan.
Policy 36: Maintenance, repair, replacement and minor upgrading of existing structures	Oppose	The effects of the activities provided for are not adequately addressed by the policy. It would be inconsistent with the NZCPS to allow adverse effects on values that are to be protected and would create an inconsistency between other provisions in this plan. It is necessary to ensure	<p>Amend Policy 36 as follows:</p> <p>“Maintenance, repair, replacement and minor upgrading of existing lawful structures and reclamations will be allowed;</p> <p><u>A. where it does not increase the scale of significance of the effects of the activity or structure; and</u></p>

Provision	Oppose/Support	Reasons	Decision requested
		that the scale and effects are not increased through the activities proved for. “appropriate management of effects” is uncertain without the amendments sought in this submission to Policy 5. The inclusion of “reclamation” in addition to structures is uncertain.	<u>B.</u> in order to: (a) enable compliance...”.
Policy 37: Alteration or extension of existing structures	Oppose	The policy is not consistent with achieving protection of values and characteristics of the coastal environment where the avoidance of adverse effects is required by policies 11(a), 13(1)(a) and 14(a) of the NZCPS.	Amend Policy 37 as follows: “Major alteration or extension of existing lawful structures will be <u>considered -allowed</u> in <u>appropriate</u> locations where the activity will <u>avoid adverse effects consistent with protection required under policies 8, 9 and 14</u> [list policies that give effect to Policies 11, 13 and 15 of the NZCPS], <u>and where the activity will not have significant adverse effects on other lawfully established structures or uses, and alteration or extension values and will:</u> (a) result in greater...”
Policy 38: Removal of coastal structures	Support	The removal of redundant structures is consistent with the NZCPS.	retain
Policy 39: Occupation	support	Useful to have a definition	retain
Policy 40: Disturbance, deposition and extraction in marine areas with legal protection	Support	Disturbance activities can have adverse effects on marine species and habitats.	retain
Policy 41: Provision for disturbance, deposition or extraction activities that provide public or environmental benefit	Support in part	Support where this is necessary for safely and operative of existing infrastructure and existing activities of public and	Amend to clarify that natural values includes significant indigenous biodiversity consistent with policy 14 of the plan.

Provision	Oppose/Support	Reasons	Decision requested
		<p>environmental benefit.</p> <p>As written the policy implies a potential for trading off adverse effects on some environmental values to enhance others and where the activity is for public benefit.</p> <p>“appropriate management” is uncertain without the amendments sought in this submission to Policy 5.</p> <p>The protection of natural values is sported however this is uncertain in the contest of policy 14 which requires protection of significant indigenous biodiversity and does not refer to “values”.</p>	<p>Amend Policy 5 as sought to clarify places subject to the protective policies in giving effect to the NZCPS</p>
<p>Policy 42: Disturbance of the foreshore or seabed</p>	<p>Oppose</p>	<p>Disturbance of the foreshore or seabed can have adverse effects on values and characteristics to be protected under Policies 11, 13 and 15 of the NZCPS</p> <p>As worded the policy does not ensure the avoidance of adverse effects required under those policies. In particular the limitations in (a) to site specific values is uncertain as effects of disturbance can be wider than the site of the activity.</p>	<p>Amend the policy to ensure activities avoid adverse effects as required by Policies 11, 13 and 15 of the NZCPS.</p>

Provision	Oppose/Support	Reasons	Decision requested
		Clauses (b) and (c) do meet the requirement to avoid adverse effects as set out in those NZCPS policies.	
Policy 43: Port dredging	Support in part	The wording in (d) is uncertain in avoiding adverse effects required by Policies 11, 13 and 15 of the NZCPS. The policy may provide for this is the activities occur only in appropriate locations under clause (b).	Amend Policy 43 (b) to refer to “appropriate locations” rather than “areas” so that this can be guided by Policy 5 in the plan.
Policy 44: Extraction or deposition of material	Support in part	The use of the term “should” is uncertain, particular in providing protection required by Policies 11, 13 and 15 of the NZCPS	Amend Policy 44 as follows: Extraction of sand, shingle, shell and other natural material from the foreshore or seabed, or deposition of material on the foreshore or seabed, not provided for by Policies 39, 40, and 42 will should: (a) be undertaken...”
Policy 45: Appropriateness of reclamation or drainage	Oppose	The policy direction on “appropriateness” is uncertain in the context of the NZCPS which requires plans to provide direction on inappropriate locations/places. The policy does not clearly require a functional need.	Amend Policy 45 (a) and (b) to refer to “functional need” so that this can be guided by Policy 5 in the plan. Amend Policy 45 by including a clause that the activity will be in an appropriate location. Amend Policy 5 as sought to clarify places subject to the protective policies in giving effect to the NZCPS
Policy 46: Design of reclamation	support in part	Policy 46 is not appropriate on the basis of Policy 45 as proposed for the reasons set out above.	Amend the policy to provide for protection required by Policies 11, 13 and 14 of the NZCPS. Alternatively retain policy 46 as worded and amend Policy 45 and Policy 5 as sought in this submission.
Policy 47: Taking and use of coastal water or taking of heat or energy from coastal water	Support	the avoidance of adverse effects is supported	retain

Provision	Oppose/Support	Reasons	Decision requested
Policy 48: Damming or diversion of coastal water	Oppose	The use of the term “should” is uncertain, particular in providing protection required by Policies 11, 13 and 15 of the NZCPS	Amend Policy 48 by changing the word “should” to “will”
Policy 49: Noise and vibration	Oppose	<p>Marine mammals are particularly sensitive to noise and vibration and can be adversely affected at significant distances from the source of activities which cause noise and vibration.</p> <p>The wording “managed to minimise” not only implies that there are adverse effects to manage in some way, but that they do not have to be avoided.</p> <p>The RMAs16 provides direction for avoidance of unreasonably noise in relation to occupiers of land However this does not limit plans in prescribing noise standards. Nor does this prevent the consideration of an inappropriate location on the basis of achieving the protective policies 11, 13 and 14 of the NZCPS.</p>	<p>Provide a policy which sets out that Noise and Vibration will avoid adverse effects on marine mammals and species to be protected under Policy 8, 9 and 14 of the Plan. Amend Policy 49 as follows (or similar):</p> <p>“Noise and vibration from activities undertaken in the coastal marine area, including underwater activities, will:</p> <p><u>(a) avoid void adverse effects on marine mammals and fish species consistent with policies 8, 9 and 14 [list policies that give effect to Policies 11, 13 and 15 of the NZCPS]; and</u></p> <p><u>(b) be managed to avoid, remedy or mitigate otherminimise adverse environmental effects.</u></p>
6 Methods of implementation			
general	Support	Generally support the inclusion of non-regulatory methods. This	retain

Provision	Oppose/Support	Reasons	Decision requested
		approach supports integrated management over the whole coastal environment.	
6.1 General	Support in part	There are other Acts of relevance where council should be seeking integrated management with responsibly agencies	1.g) should include the Marine Mammal Protection Act 1978, Wildlife Act 1953 and Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012
6.2 Management of the coastal environment	Support in part	8. is uncertain in terms of how the plan will implement provisions for the protection of indigenous biological diversity. The implantation approach could be interpreted as inconsistent with the 5.1 policies for natural environment.	Amend as follows: “8 Implement Plan objectives, policies and methods of implementation that recognise different coastal processes, values, and uses, and which allow, regulate or prohibit activities in; 1. the following coastal management areas: a) Outstanding Value b) Estuaries Unmodified c) Estuaries Modified d) Open Coast e)Port-; and <u>2. areas identified as having:</u> <u>1) significant indigenous biodiversity values under Policy 14</u> <u>2) areas with natural character values under Policy XX</u> <u>3) areas with natural features and landscapes under Policy XX;</u> <u>Consistent with policies in section 5.1.”</u>
6.3 Use and development of resources	Support in part	Providing for “appropriate use” is not consistent with the NZCPS for the reasons set out elsewhere in this submission	Amend to recognise changes requested to policy 5 such that appropriateness is determined on the basis of avoiding inappropriate locations.
6.10 Noise	oppose	Noise and vibration effects on	Delete the reference to New Zealand Standards.

Provision	Oppose/Support	Reasons	Decision requested
		<p>species, including threatened and at risk marine mammals is a significant issue in the marine environment. Noise travels differently in water than in air and marine mammals respond in various ways.</p> <p>Noise effects on marine species is a rapidly developing area knowledge as is the understanding of how noise and vibrations travel in the marine environment.</p> <p>Reliance on standards developed primarily for terrestrial activities and without appropriate modelling of noise in the marine environment is inadequate and will result in perverse outcomes for managing effects of noise under this plan.</p> <p>Further information is available on specific efforts to adapt and improve on the science-based marine mammal noise exposure criteria pioneered by Southall et al. (2007) have been informed by the rapid increases in knowledge from substantial subsequent basic and applied research (see: Ellison et al., 2012; Finneran et al., 2015; 2016; Southall et al., 2016).</p>	<p>Replace with:</p> <p><u>Considerations of the latest information of the effects of noise of marine species and habitats. The use of the most recent professionally supported noise modelling for the marine environment. Taking a precautionary approach where limited information is available.</u></p>
8 Regional rules			

Discharges			
Rule 12: Seismic surveying or bathymetric testing involving discharge of energy into water in the coastal marine area and any associated noise. (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	Oppose	<p>Seismic testing has adverse effects including significant adverse effects on marine mammals and fish species.</p> <p>A permitted classification will not enable council to give effect to the NZCPS.</p> <p>Further the 2013 standards are inadequate and have been under review since 2015. The standard cannot be relied on to ensure council gives effect to the NZCPS. Council will need to consider expert advice on the generation of noise and vibration from the activity and effects of noise and vibration on marine species.</p>	<p>Change the activity status to Discretionary in Open coast and Port</p> <p>Change the activity classification to Non-complying in Outstanding Value, Estuaries Unmodified and Estuaries Modified.</p>
Structures and occupation			
Rule 18 - Outfall structure placement. (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	Support in part	<p>Support the limits on size of outfall structures in condition (a). However the rule does not manage cumulative effects. This is of particular concern in Outstanding value areas where structures can have adverse effects on natural character and natural features and landscapes.</p> <p>Condition (b) is uncertain as there is no requirement to meet installation standards or constructions guidelines.</p> <p>The wording of conditions (c) and (f) are not sufficient to ensure that policy 11 of the NZCPS will be given effect to.</p> <p>Wording of “(c) the extent of disturbance of the foreshore and seabed is limited to the minimum required to undertake the activity” is uncertain.</p>	<p>Identify sites/areas of significant indigenous biodiversity and include a condition that the structure is not within those areas.</p> <p>Amend condition (c) by adding “...activity, and no more than 1m width of surface area is distributed.”</p> <p>Add a Note: “this rule does not authorise a discharge from the outfall structure.”</p>
Rule 19 - Mooring structure placement (Port) - Permitted	Oppose	The effects associated with difference scale of mooring structures and cumulative effects are not adequately managed through a permitted activity.	Change the Activity description to ensure there is no disturbance of the foreshore or seabed.

		<p>While the activity does not require excavation of the foreshore or seabed, disturbance and deposition are provided for under Activity (b) and (c).</p> <p>Make the rule a controlled activity within the Port management area so that council can assess whether the conditions are met.</p> <p>Add a condition that the structure does not have an effect on Outstanding character as the Port is adjacent to an outstanding landscape and character area.</p> <p>In addition to condition (d) identify sites/areas of significant indigenous biodiversity to give effect to Policy 11 of the NZCPS. Where these areas would be adversely affected by a mooring structure on the Port management area council needs to retain discretion to decline consent.</p> <p>New mooring structures which require disturbance of the seabed or foreshore cannot be appropriately considered under a permitted or controlled activity rule.</p> <p>The provisions for associate disturbance, deposition and discharge are uncertain and could result in adverse effects which are not addressed by the permitted standards/conditions.</p>	<p>Delete the Activity provisions for associate disturbance, deposition and discharge.</p> <p>Delete the permitted activity classification and replace with “<u>controlled activity</u>”.</p> <p>Add a condition that the structure does not have an effect on Outstanding Value areas as the Port is adjacent to an outstanding landscape and character area.</p> <p>Identify sites/areas of significant indigenous biodiversity in the CMA on the planning maps and a schedule and include a condition that the mooring structure must not have adverse effects on the values of those areas.</p> <p>Add a new rule (restricted discretionary or discretionary activity) for where an activity has adverse effects. Include a matter of discretion to consider the effects on indigenous biodiversity values.</p>
<p>Rule 20 - Mooring structure placement (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted</p>	<p>Oppose</p>	<p>Support a permitted rule for monitoring and sampling purposes where they are not fixed to the seabed, provided there are no adverse effects on biodiversity values or outstanding character and landscape values.</p> <p>The provisions for associate disturbance, deposition and discharge are uncertain and could result in adverse effects which are not addressed by the permitted standards/conditions in the rule.</p> <p>Condition (a) is important for council to keep track of</p>	<p>Amend the rule heading by adding the word “monitoring”</p> <p>Delete the Activity provisions for associate disturbance, deposition and discharge.</p> <p>Add to the Activity description as follows: “<u>The placement or</u></p>

		<p>demand to enable consideration of cumulative effects on significant and outstanding values and any need to changes to the rule in the future.</p> <p>Condition (a) refers to removal however this is not stated in the Activity of the rule.</p> <p>Condition (b) requires the person carrying out the activity to determine whether it would have an adverse effect on significant indigenous biodiversity values. This condition is problematic as it does not capture all values and characteristic to be protected under Policies 11, 13 and 14 of the NZCPS. Nor it is appropriate council to pass the determination of effects on these values to plan uses (see Key issue submissions on Biodiversity above)</p>	<p>removal of a Mmooring structure placement for monitoring...</p> <p>Amend the conditions to provide certainty that the activity will not occur where it would have adverse effects on values and characteristics to be protected under Policies 8, 9 and 14 (reference as necessary to give effect to the NZCPS)</p>
<p>Rule 21 - Navigation aid erection or placement (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted</p>	<p>Support in part</p>	<p>Support the permitted rule for these purposes where they are not fixed to the seabed, provided there are no adverse effects on biodiversity values or outstanding character and landscape values.</p> <p>The provisions for associate disturbance, deposition and discharge are uncertain and could result in adverse effects which are not addressed by the permitted standards/conditions in the rule.</p> <p>The potential for adverse effects on birds from lighting associate with navigation aids does not appear to be considered within the rule.</p> <p>The location of and light from navigational aids can have adverse effects on outstanding character and landscape values.</p> <p>Condition (e) and (f) are is uncertain as the determination of effects on values often requires</p>	<p>Delete "Outstanding Value" from the Coastal management area.</p> <p>Change the Activity description to ensure there is no disturbance of the foreshore or seabed.</p> <p>Delete the Activity provisions for associate disturbance, deposition and discharge</p> <p>Amend condition (e) as follows: "erection or placement of the navigation aid does not have an adverse effect on the values associated with <u>in not within 10m of any historic heritage identified in Schedule 5 [Historic heritage] or 50m of an Outstanding Value area;</u> and"</p>

		expert advice. It is preferable that permitted activities are avoided in locations where they may have such effects.	Where condition (e) is not complied with new rule 33 will apply. Amend the conditions to provide certainty that the activity will not occur where it would have adverse effects on values and characteristics to be protected under Policies 8, 9 and 14 (reference as necessary to give effect to the NZCPS).
Rule 22 - Network utility structure erection or placement (Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Controlled	Support in part	Support that Outstanding Value areas are not included. However a controlled activity classification does not enable council to give effect to the NZCPS outside of those areas. The placement of structures in the CMA can have noise and vibration effects on marine mammals and fish species which are not addressed by the rule provisions. Condition (c) is not adequate to achieve protection required by the NZCPS. It may not be possible under this rule for council to ensure the avoidance of adverse effects or of significant adverse effects as required by Policies 11(a) and (b), 13(1)(b) or 15(b) of the NZCPS. Activities adjacent to Outstanding value areas may adverse effects on during construction and ongoing effects relation to the occupation of space in certain locations.	Change the rule classification to Restricted discretionary Include condition for a 100m set back from Outstanding Value management areas Include the following matters of discretion for: (x) effect on indigenous biological diversity (y) effects on natural character and natural features and landscape (z) effects on any areas out Outstanding Value.
Rule 23 - Port launching, mooring	Oppose	It is not appropriate for council to grant consent	Change the rule classification to

or berthing structure erection or placement in the Port (Port) - Controlled		where adverse effects would be inconsistent with achieving Policies 11, 13 or 15 of the NZCPS. Also see reasons set out in submission on Rule 19 above.	Restricted discretionary
Rule 24 - Structure used for whitebaiting (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Prohibited	Support		retain
Rule 25 - Hard protection structure erection or placement (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Discretionary	Oppose	<p>The purpose of “erosion control” should be clarified and limited to where this is necessary for the safe operation lawfully established regionally important infrastructure.</p> <p>That Plan has set out in Policy 33 that hard protection structures will not have adverse effects on Outstanding Value areas. However there is no clear direct for other values which are to be protected under the NZCPS under Policy 34.</p> <p>Both discretionary and non-complying activity classifications should be applied to achieve Policies 33 and 34.</p> <p>It is preferable to identify locations where such hard protection structures would be inappropriate and identify these in the plan. As council does not appears to have identified these locations, policies must set out how this is to be determined to avoid adverse effects required by the NZCPS. Hard protection structures should not be anticipated within inappropriate locations.</p>	<p>Amend Policy 5 and 34 as sought in these submissions.</p> <p>Amend Rule 25 to clarify the purposes to which erosion control applies.</p> <p>Amend Rule 25 Coastal management area by removing: Outstanding Value, Estuaries Unmodified, Estuaries Modified</p> <p>Provide a non-complying rule for erection or placement of hard protections structures Outstanding Value, Estuaries Unmodified, Estuaries Modified</p>

<p>Rule 26 – Exploration or appraisal well drilling (Open coast, Port) - Controlled</p>	<p>Oppose</p>	<p>It is not appropriate for council to grant consent where adverse effects would be inconsistent with achieving Policies 11, 13 or 15 of the NZCPS.</p> <p>Council needs to retain discretion to decline consent to give effect to Policy 11, 13 and 15 of the NZCPS.</p> <p>Exploration and appraisal well drilling activities generates noise, vibration and disturbance which has adverse effects on marine mammals. The noise, vibration and disturbance can be as or more significant than for production wells. Council must retain discretion to decline a consent to give effect to the NZCPS.</p>	<p>Amend the Activity classification to restricted discretionary</p> <p>Retain the matters for control as matters for discretion</p> <p>Add matter of discretion for “effects on indigenous biodiversity”.</p> <p>Add a matter of discretion to consider effect on natural character</p> <p>Identify areas of significant biodiversity and exclude these from this rule.</p> <p>add a requirement to publically notify under this rule</p>
<p>Rule 27 -- Exploration or appraisal well drilling (Open coast, Port) - Discretionary</p>	<p>Oppose</p>	<p>The application of the rule is uncertain as to what duration of occupation is considered as temporary under Activity (b).</p> <p>Exploration and appraisal well drilling activities generates noise, vibration and disturbance which has adverse effects on marine mammals. The noise, vibration and disturbance can be as or more significant than for production wells.</p> <p>It is unclear how council will ensure that activities will not have adverse effects which extent into Outstanding Value, Estuaries Unmodified and Estuaries Modified management areas.</p>	<p>Include a policy or definition of temporary occupation.</p> <p>Amend the polices as sought to give effect to policies 11, 13 and 15 of the NZCPS and so that they provide direction for considering consent applications under this rule.</p>
<p>Rule 28 – Exploration or appraisal well drilling (Outstanding Value, Estuaries Unmodified, Estuaries</p>	<p>oppose</p>	<p>It is not appropriate to consider consent applications for activities which would have adverse effects to be avoided under policies 11, 13 and 15 of the NZCPS.</p>	<p>Amend the activity classification to prohibited.</p>

Modified) – Non-complying		It is unclear how council will ensure that activities outside these management areas will not have adverse effects which extent into these areas.	<p>Amend the proposed polices as sought to give effect to policies 11, 13 and 15 of the NZCPS and so that they provide direction for considering consent applications under Rule 27 to avoid adverse effects extending into these management areas.</p> <p>Amend Policy 49 to provide direction for the avoidance of adverse effects to give effect to protection required under the NZCPS (see submission on Policy 49) and amend the methods of implementation 6.10 as sought by these submissions</p>
Rule 29 - Petroleum production installation erection or placement (Open coast, Port) - Discretionary	oppose	<p>Installation and placement for petroleum production and drilling activities generates noise, vibration and disturbance which has adverse effects on marine species and habitats .</p> <p>It is unclear how council will ensure that activities will not have adverse effects which extent into Outstanding Value, Estuaries Unmodified and Estuaries Modified management areas.</p>	Amend the polices as sought to give effect to policies 11, 13 and 15 of the NZCPS and so that they provide direction for considering consent applications under this rule
Rule 30 - Petroleum production installation erection or placement (Outstanding Coastal, Estuaries Unmodified, Estuaries Modified) – Non-complying	oppose	<p>It is not appropriate to consider consent applications for activities which would have adverse effects to be avoided under policies 11, 13 and 15 of the NZCPS.</p> <p>It is unclear how council will ensure that activities outside these management areas will not have adverse effects which extent into these areas.</p>	<p>Amend the activity classification to prohibited.</p> <p>Amend Policy 49 Noise, to provide direction for the avoidance of adverse effects to give effect to protection required under the NZCPS (see submission on Policy 49) and amend the methods of implementation 6.10 as sought by these submissions</p>

			Amend the proposed policies as sought to give effect to policies 11, 13 and 15 of the NZCPS and so that they provide direction for considering consent applications under Rule 29 to avoid adverse effects extending into these management areas.
Rule 31 - Temporary military training (Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	support in part	<p>Support the exclusion of Outstanding value areas as many of these areas contain significant biodiversity values.</p> <p>Estuaries provide important habitats to indigenous species and often include the values and characterises to be protected Under Policy 11 of the NZCPS and values where significant adverse effects are to be avoided by Policies 13(b) and 15(b) of the NZCPS. A precautionary approach must be applied until council identified areas where activities would be inappropriate.</p> <p>Other areas in Open coast need to be identify so that they can also be excluded from this rule.</p> <p>Noise and vibration can have significant effects on marine species and habitats. It is not appropriate council to expect a person undertaking these activities to determine whether their noise and vibration will have an adverse effect by applying the general standards in 8.8(c). Neither the limits set out or the NZ Standards are adequate to avoid adverse effects on indigenous biological diversity.</p> <p>Noise effects can only be determined by expert advice through a consent process.</p> <p>The rule does not provide for any consideration of or</p>	<p>Amend the Activities to remove estuaries management areas from the rule.</p> <p>Amend the rule by adding a condition that noise and vibration must only be from normal operation of marine vessels and does not include any seismic testing, explosions, artillery or sonar.</p> <p>Add a condition that the activities must not have lighting at night.</p> <p>Amend Policy 49 Noise, to provide direction for the avoidance of adverse effects to give effect to protection required under the NZCPS (see submission on Policy 49) and amend the methods of implementation 6.10 as sought by these submissions</p>

		the avoidance of adverse effects from lighting on seabirds.	
Rule 32 - Temporary military training (Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Controlled	oppose	It may not be appropriate to grant this in all cases. If effects can not be avoided as set out in Policies 11, 13 and 15 of the NZCPS council needs to retain discretion to decline consent. Also see reasons on rule 31 above.	Change the rule classification to Restricted discretionary
Rule 33 - Other structure erection or placement not provided for in Rules 18 to 32 (Estuaries Modified, Open Coast, Port) - Discretionary	Support in part	Better direction is needed in the Policies to ensure decision makes give effect to the protective policies of the NZCPS. Modified estuaries will still contain and contribute to significant biodiversity values which are generally significantly adversely affected by the erection and placement of structures. If these activities are not already provided for in other rules with appropriate conditions for this management area, they should be included under rule 34 as non-complying. The rule relates to erection or placement of new structures and is not relevant to the NES which provides for existing infrastructure.	Amend rule 33 Coastal management area to exclude Estuaries Modified Include Estuaries Modified in Rule 34.
Rule 34 - Other structure erection or placement not provided for in Rules 18 to 32 (Outstanding Value, Estuaries Unmodified) – Non-complying	Support	Structures not already provided for in other rules should not be anticipated in Outstanding Value, Estuaries Unmodified or Estuaries Modified. Structures have adverse effects on the coastal environment and should only be considered consistent with giving effect to the NZCPS.	Retain with amendment to include Estuaries Modified.
Rule 35 - Structure maintenance, repair or minor alteration (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast) - Permitted		Support provision for maintain of lawfully established structures so that they can be retained in good repair and not cause adverse environmental effects. However the activities provided for are not certain in the context of maintenance. This arises because the term “repair” which is commonly considered as part	Amend Rule 35 Activity description as follows: “Structure maintenance, repair or minor alteration...”

		<p>of “maintenance” is excluded from the definition of “maintenance” under this plan and is equivalent to “restore” which is included in the definition. Also because the term “minor alteration” is not defined.</p> <p>Policy 36 provides direction on “minor upgrading” in relation to structures. However that term is not defined either.</p> <p>It is not clear what a minor alteration is.</p> <p>There also appears to be some inconsistency in the use of terms relating to structures as the general conditions 8.6.3(b) include “maintenance” but do not consider noise effects from “repair, alteration or extension” activities.</p> <p>These terminology concerns are addressed further in relation to the definitions of the plan. If the definitions are amendment as sought by those submission this rule can be amended to provide for “maintenance and minor alterations”</p>	
<p>Rule 36 - Hard protection structure repair, alteration, extension or removal and replacement (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Discretionary</p>	<p>Support in part</p>	<p>Support provision for maintain of lawfully established structures so that they can be retained in good repair and not cause adverse environmental effects.</p> <p>However the terminology used to describe the activities provide for under the rule are not clear. These terminology concerns are addressed further in relation to the definitions of the plan. If the definitions are amendment as sought by those submission this rule can be amended to provide for “maintenance and minor alterations”</p> <p>More than minor alterations/extensions are addressed as “major” under Policy 37 and should be treated as for a new structure. Such activities could have adverse effects that are inconsistent with</p>	<p>Amend Rule 36 Activity description as follows: “Existing lawfully established hard protection structure <u>maintenance repair, minor alteration, extension</u> or removal and replacement...”</p> <p>Amend rules for erection and placement of new structures as required to provide for major alterations and extensions.</p>

		achieving the protection requirements of the NZCPS. Also see our submission on the definitions addressing these terms.	
Rule 37 - Network utility structure repair, alteration or extension (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Controlled		As for rule 36 above the terminology is uncertain and more than minor alterations/extensions.	Amend Rule 37 Activity description as follows: “Existing lawfully established hard protection structure maintenance repair, minor alteration, extension or removal and replacement...” Amend rules for new structures as required to provide for major alterations.
Rule 38 - Structure removal and replacement (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	Support in part	The approach of combining removal and replacement in a permitted rule is not appropriate. While the removal of a structure provides opportunities for enhancement of natural character, replacement does not. The conditions include uncertain wording as follows: Condition (a) refers to “operational requirements” rather than functional need which is the term use in Policy 32 of the Plan and the policy 6 of the NZCPS The plan does not appear to include a schedule of sites of geological significance referred to in Condition (j). These sites should be identified in the plan to give effect to the NZCPS. The NZCPS considered geological aspects and components within Policies 13 and 15. Policy 20 sets out to control vehicle use where it may result in damage to geological processes and Policy 26 sets out provisions for the protection of site od	1. Retain the rule such that it provides for Structure removal as a permitted activity except in Outstanding Value areas. 2. Add a controlled activity rule for removal in Outstanding Value areas 3. Combine the “replacement” of structures into rules for erection and placement of new structures. Alternatively provide a restricted discretionary rule for replacement of lawfully established structures Include matters for discretion

		<p>geological value from coastal hazards.</p> <p>Replacement structures:</p> <p>The adverse effects of replacement structures is not adequately addressed by general standards as they do not include adequate guidance on how adverse effects on noise in the marine environment is to be avoided, nor do they address effects of lighting.</p> <p>The rule does not provide opportunity to consider whether structure previously lawfully established in a particular location should be re-established in that same location.</p>	<p>including:</p> <p>(a) effects on natural character and natural features and landscapes</p> <p>(b) effects in indigenous biodiversity</p> <p>(c) generation of noise</p> <p>(d) location</p> <p>(e) whether the replacement structure maintains the form of the original structure with no increase in length, width or height, or increase in adverse effects</p>
Rule 39 - Port wharves or breakwaters and attached structures, maintenance, repair or alteration (Port) - Permitted		<p>Support the requirement that the activity relates to “that part of the wharves or breakwaters that is normally above the water surface including any attached structures, and relates directly to port company operations”</p> <p>As state above (Rule 36) there is some inconsistency with terms relating to maintenance and alteration activities.</p>	<p>Amend Rule 39 Activity description as follows: “Existing lawfully established structure <u>maintenance, repair, or minor alteration, extension ...</u>”</p> <p>Amend rules for new structures as required to provide for major alterations.</p>
Rule 40 - Port wharves or breakwaters and attached structures, maintenance, repair or alteration (Port) - Controlled		<p>Condition (b) is not adequate for council to ensure that adverse effects are avoided on matters to be protected under policy 14 or policy 9, or on adjacent outstanding values areas under policy 8 of the plan.</p>	<p>Add a condition that the activity will not have adverse effects on the adjacent Outstanding Value area.</p> <p>Amend the matters for control to include consideration of effects on indigenous biodiversity and natural character.</p>
Rule 43 - Port launching mooring or berthing structure repair, alteration	support	<p>Outstanding Value and estuaries have important indigenous biodiversity values and natural character</p>	<p>retain the non-complying classification</p>

or extension (Outstanding Value, Estuaries Unmodified) – Non-complying			
Rule 44 - Structure removal or demolition (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	support	It is important to provide for removal with appropriate conditions	retain
Rule 45 - Structure removal or demolition (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Controlled	Oppose	The use of explosives could have significant adverse effects on indigenous marine species which may not be appropriate in all cases. Council needs to retain discretion to decline to give effect to Policy 11 of the NZCPS	Remove the Outstanding Value Estuary Unmodified and Estuary Modified coastal management areas from the rule. Provide a activity classification of “Restricted Discretionary” or combine with Rule 46 for Outstanding Value, Estuary Unmodified and Estuary Modified coastal management areas.
Rule 46 - Structure removal or demolition (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Discretionary	support	It is important to provide in appropriate circumstance and after appropriate consideration	retain
Rule 47 - Community, recreational or sporting activity (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	Support in part	The rule is uncertain as to how a person undertaking the activity can be sure they comply with conditions (a) or (e). The council needs to identify sites and areas meeting Policy 11 of the NZCPS and exclude permitted activities within these areas. May recreational activities occur over the summer months which coincides with indigenous bird breeding periods. Until such areas are identified a controlled activity classification is required.	Change the activity classification to “controlled”. Include matters for control to consider effects on indigenous biodiversity, natural character and natural features and landscapes Amend the Note to refer to Rule

		The Activity Note that activities not meeting the conditions are to refer to Rule 51 appears in error as that rule provides for disturbance and not occupation of space.	50 which is a discretionary classification.
Rule 48 – Continued occupation (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	support in part	<p>In condition (a) the restriction to the original purpose is uncertain as s12 of the RMA sets out that plans can control “use, development and subdivision”.</p> <p>The “use” of a structure may not be appropriate given the directive policies 11, 13 and 14 of the NZCPS 2010. By providing or continued occupation of space adverse effects which may be inconsistent with those policies is not avoided.</p> <p>Where a use is a permitted activity under this plan (after applying amendments sought in this submission) continued occupation may be appropriate as a permitted activity.</p>	<p>Amend condition (a) to refer to the original permitted use of the structure.</p> <p>Remove Outstanding Value, Estuaries Unmodified, Estuaries Modified from the Coastal management area</p> <p>Provide a restricted discretionary rule for Continues occupation, previously permitted, in Outstanding Value, Estuaries Unmodified, Estuaries Modified Coastal management areas.</p>
Rule 49 – Continued occupation (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	support in part	<p>As for Rule 48 above, it is not certain that providing for the continued occupation of space for consented activities will give effect to the requirements of the NZCPS which requires the council to consider effects of activities. A controlled classification does not give council the ability to decline consent if where necessary to give effect to the NZCPS.</p> <p>It is also unclear if this rule applies to structures which are place by consent under this plan. For example whether a structure placed under Rule 26 and 32 would be able to continue to occupy space under this rule. This could make time limits on “temporary” activities ineffective and potentially enable activities to continue in perpetuity.</p>	<p>Amend the activity classification to Restricted discretionary</p> <p>Add matter for discretion to consider effects on indigenous biodiversity, natural character and natural features and landscapes. Add other matters to consider effects of noise, light and location.</p>
Rule 50 – Other occupation that is	support in part	The rule is uncertain in relation to occupation for	Clarify to the rule to ensure that

not provided for in Rules 47 to 49 (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Discretionary		activities or structures, or in locations which are classified as prohibited or non-complying under the plan.	it does not apply to occupation for activities or structures, or in locations which are classified as prohibited or non-complying under the plan.
Disturbance, deposition and extraction			
Rule 51 - Clearance of outfalls, culverts and intake structures (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	Oppose	The rule is uncertain as the conditions and general standards do not provide for: <ol style="list-style-type: none"> 1. the amount of disturbance or deposition of material 2. a limit or guidance on “minimum necessary” to ensure removal of material does not result in adverse effects 3. whether mitigation may be appropriate in outstanding or significant locations and require consent 4. the type of material which can be deposited. 5. Adverse effects of depositing the material inappropriately 	Clarify that the rule provides for clearance of lawfully established structures only. Add further conditions and limits to address concerns set out.
Rule 52 - Collection of benthic grab samples (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	support	It is important to provide small scale monitoring with appropriate conditions	retain
Rule 53 - Minor disturbance and removal (Outstanding Value, Estuaries Unmodified, Estuaries Modified, Open Coast, Port) - Permitted	Oppose	The rule is uncertain as to how a person proposing to carry out the activity would know if they were having an effect contrary to conditions (a) and (b). Activities should be excluded from areas where those values exist.	Amend Rule 53 by remove Outstanding Value, Estuaries Unmodified, Estuaries Modified from the Coastal management areas Provide a restricted discretionary rule for these activities,

			<p>previously permitted, in Outstanding Value, Estuaries Unmodified, Estuaries Modified Coastal management areas.</p> <p>Add matters for discretion to consider effects on indigenous biodiversity, natural character and natural features and landscapes. Add other matters to consider effects of noise, light and location.</p> <p>In the permitted Rule 53 Retain condition (c) to (g)</p> <p>Add condition that restricts the activity to outside of bird breeding periods</p>
55 - Dredging and spoil disposal (Port) - Discretionary	Support	It is important that policies are amended to give effect to the NZCPS and provide direction for decisions under this rule	Retain and amend policies as sought in this submission
56 - Dredging and spoil disposal (Open Coast) - Discretionary	Support	It is important that policies are amended to give effect to the NZCPS and provide direction for decisions under this rule	Retain and amend policies as sought in this submission
57 - Beach replenishment (Open Coast) - Discretionary	support		retain
58 - Introduction of exotic plants (Estuaries Modified, Open Coast, Port) - Discretionary	Support	It is important that policies are amended to give effect to the NZCPS and provide direction for decisions under this rule	Retain and amend policies as sought in this submission
59 - Introduction of exotic plants (Outstanding Value, Estuaries Unmodified) – Non-complying	oppose	Introduction of exotic plants in not consistent with protection or enhancement of natural character. In particular it is likely to have adverse effects on significant biodiversity values.	Amend policies as sought to give effect to the NZCPS.
60 - Other disturbance, damage, destruction, removal or deposition	support in part	These activities can have significant adverse effects on indigenous biodiversity and natural character which is	

that is not provided for in Rules 51 to 59 (Estuaries Modified, Open Coast, Port) - Discretionary		not identified in the plan. Amendments sought to the policies to give effect to the NZCPS are necessary to provide for this activity as discretionary.	
61 - Other disturbance, damage, destruction, removal or deposition that is not provided for in Rules 51 to 59 (Outstanding Value, Estuaries Unmodified) – Non-complying	Support in part	These activities can have significant adverse effects on indigenous biodiversity and natural character in these management areas. Amendments sought to the policies to give effect to the NZCPS are necessary to provide for this activity as non-complying.	Amend policies as sought to give effect to the NZCPS.
Reclamation or draining			
62 - Reclamation or drainage for erosion and flood control within areas of outstanding coastal value and unmodified estuaries (Outstanding Value, Estuaries Unmodified) – Non-complying	Support in part	These activities can have significant adverse effects on indigenous biodiversity and natural character in these management areas. Amendments sought to the policies to give effect to the NZCPS are necessary to provide for this activity as non-complying .	Amend policies as sought to give effect to the NZCPS.
63 - Other reclamation or drainage that is not provided for in Rule 62 (Estuaries Modified, Open Coast, Port) - Discretionary	support in part	These activities can have significant adverse effects on indigenous biodiversity and natural character which is not identified in the plan. Amendments sought to the policies to give effect to the NZCPS are necessary to provide for this activity as discretionary.	Amend policies as sought to give effect to the NZCPS.
64 - Reclamation and draining of the foreshore or seabed (Outstanding Value, Estuaries Unmodified) – Prohibited	Support	provides for protection of natural values	Retain
65 – Taking or use of water, heat or energy (Outstanding Value, Open Coast, Port) - Permitted	Support in part	It will be difficult for users to ensure compliance with conditions which require determining the effect on natural values.	Amend conditions as sought in Key issues for Biodiversity above.
8.6 General standards			
8.6 General Standards	Support in part	The standards do not include limits on bed disturbance or vegetation removal activities to protect habitats of indigenous species of natural	Expand the standard to include limit for permitted activities of the following:

		character values of the CMA.	<p>(a) foreshore and seabed disturbance</p> <p>(b) vegetation disturbance and removal</p> <p>Include limits on sediment disturbance and resulting sediment plumes</p> <p>Include time periods to avoid removal or disturbance of vegetation during fish spawning to protect eggs until hatching</p> <p>Set other limits to avoid adverse effects consistent with Policies 13, 14 and 15 of the NZCPS, and ensure that any other adverse effects are no more than minor.</p>
8.6.2 Light	oppose	The standards do not protect indigenous seabirds from being adversely affected by lights.	<p>Include standards for lights to be shielded or of a colour so that they do not attract or disturb seabirds.</p> <p>Include specific standard to avoid lighting near any seabird, including penguin, breeding areas.</p> <p>Include standards for navigational aids and safety to mitigate any adverse effects on seabirds.</p>
8.6.3 Noise	oppose	As discussed in relation to 6.10 above, noise and vibration effects on species, including threatened and at risk marine mammals is a significant issue in the marine environment. Noise travels differently in water than in air and marine mammals respond in various ways.	Include a specific standard setting out guidance on how appropriate noise standards are to be determined for activities which generate noise in the marine environment. Include the

		<p>Reliance on standards developed primarily for terrestrial activities and without appropriate modelling of noise in the marine environment is inadequate and will result in perverse outcomes for managing effects on marine species under this plan.</p> <p>Further information is available on specific efforts to adapt and improve on the science-based marine mammal noise exposure criteria pioneered by Southall et al. (2007) have been informed by the rapid increases in knowledge from substantial subsequent basic and applied research (see: Ellison et al., 2012; Finneran et al., 2015; 2016; Southall et al., 2016).</p>	<p>following or similar: <u>“Considerations of the latest information of the effects of noise of marine species and habitats. The use of the most recent professionally supported noise modelling for the marine environment. Taking a precautionary approach where limited information is available.”</u></p>
9 Financial contributions			
9 general	support	Keep the note which recognises that the RMA changes mean that financial contributions under the RMA cease in 2022 and will only be applied under the Local Government Act.	retain
9.1.8 General - environmental compensation	<p>9.1.8 General - environmental compensation</p> <p>Purpose: To provide environmental compensation where an activity will have adverse effects, which will not be adequately avoided, remedied or mitigated by protecting, restoring and/or enhancing natural and physical resources and/or amenity values elsewhere in the coastal environment in the same general locality.</p>	It is uncertain how this provision is to be applied under the plan. It is not appropriate to consider compensation for adverse effects which are to be avoided under the NZCPS. This is because compensation does not achieve protection of the values and characteristics to be protected. Check how this is applied. There must be limits to compensation to give effect to the NZCPS.	delete
Schedules			
Schedule 1	Support in part	<p>It is not clear where areas or site of significant indigenous biodiversity are within the coastal management areas.</p> <p>The numbering is also confusing as it does not align with policy 1.</p>	Identify significant indigenous biodiversity areas and add them as individual map links for each site, under the corresponding management area.

			Amend by replacing the 1), 2), numbering so that each coastal management area is identified under (a), (b) (c) etc consistent with policy 1(a), (b) (c) etc.
Schedule 2	Support in part	<p>The report the “<i>Regional landscape study of the Taranaki coastal environment (2015)</i>” which forms the basis for the values identified in which outstanding value area should be incorporated by reference.</p> <p>The values and characteristic identified in the report must be considered by council in any consenting process to ensure that that values are protected consistent with the NZCPS. .</p>	Incorporate by reference: the “ <i>Regional landscape study of the Taranaki coastal environment (2015)</i> ”
Schedule 4A – Significant species and ecosystems	Support in part	<p>The identification of species and ecosystems is helpful guidance; however it does not provide adequate certainty for the avoidance of adverse effects from permitted and controlled activities.</p> <p>Identify and map the location of rare and uncommon ecosystem types found on the Taranaki coast</p> <p>There are other species and habitats which need to be included and protected under the plan. These include:</p> <ol style="list-style-type: none"> 1. The list of species does not include non-vascular plants which may also be significant in terms of indigenous vegetation and habitat in the Taranaki coastal environment, including the CMA. <p>Does not include non-vascular plant species</p> <ol style="list-style-type: none"> 2. Marine mammals that are identified as “data deficient” as these are considered in practice to be threatened. 3. There are a number of regionally distinction species missing from the list – e.g. common dolphin. 	<p>Map the locations where the rare and uncommon ecosystems types identified in this schedule occur.</p> <p>Add to the schedule:</p> <ol style="list-style-type: none"> 1. non-vascular plan species including coastal lichens. 2. data deficient marine species 3. missing regionally distinctive species including the common dolphin.
Definitions			

New definition: reclamation		The plan includes rules providing for reclamations however the term is not defined. This could cause confusion the definition included for Accretion. Suggested definition is consistent with that used in the proposed northland regional plan.	Define “Reclamation” as follows or similar: <u>“The formation of permanent land located above mean high water springs that was formerly below the line of mean high water springs. Reclamation does not include:</u> <u>1) land that has arisen above the line of mean high-water springs as a result of natural processes, including accretion, or</u> <u>2) any infilling where the purpose is to provide beach nourishment, or</u> <u>3) structures such as breakwaters, moles, groynes or sea walls.”</u>
Accretion	Accretion means the seaward extension of land as a result of the deposition of sediments.	Accretion is not provided for in the rules and should be amended to clarify that the term relates to natural processes. As worded the definition could include deposition which results in reclamation.	Amend to clarify that accretion is a result of natural process. Add a new definition for reclamation as sought above.
Adaptive management	oppose	For the reasons set out in relation to Policy 3 above.	Delete definition of “adaptive management”
Amenity values	Support in part	Clarify whether amenity values includes visual amenity so that the areas identified in Policy 18 are recognised under the NES PF which sets out that: visual amenity landscape means a landscape or landscape feature that— (a) is identified in a district plan as having visual amenity values, however described; and	Amend the definition to include “visual amenity” as part of amenity values.

		(b) is identified in the policy statement or plan by its location, including by a map, a schedule, or a description of the area	
At risk	Support in part	There are species which are at risk and threatened but not classified as such. Include recognition of data deficient species as these are of significance to Taranaki and nationally.	Include a definition for “data deficient” species which are likely to be at risk or threatened however populations are so low that information is not available to determine status under the NZ Threat Classification.
Best practicable option	Support in part	This definition is helpful, however where it is not possible to prevent a discharge, which must be avoided to provide protection required by policies 11, 13 and 15 of the NZCPS, a minimisation approach is not appropriate. Ensure that the application of this definition in the plan does not override the directive polices to “avoid” which give effect to the NZCPS.	Amend plan provisions as necessary to address submission concerns.
Coastal area of outstanding value	Support in part	As worded the definition only applies to identified areas. It is not clear how the definition relate to Policy 8 of the plan or policies 13 and 15 of the NZCPS	Amend plan provisions as necessary to address submission concerns.
Coastal environment	oppose	The definition is not helpful and creates inconsistencies with the NZCPS for the reasons set on in relation to Policy 4 above.	Map the coastal environment for Taranaki and state this in the definition. Alternatively delete the definition
Disturbance	support		retain
Ecosystem	support		retain
Erosion	support		retain
Estuary Modified	Support in part	See submission comments on Policy 1	Amend for constancy with policy 1 to address these submission
Estuary Unmodified	Support in part	See submission comments on Policy 1	Amend for constancy with policy 1 to address these submission
Habitat	support		retain

Hard protection structure	support		retain
Hazardous substance	support		retain
Heritage values	Support in part	<p>Policy 5 and policies under section 5.1.3 refers to “natural and historic heritage” that terminology is not consistent with this definition.</p> <p>It is not clear whether this includes natural heritage included under Policies 8, 9 and 14 of the plan</p>	<p>Clarify the definition and terminology in the plan so that it clear whether heritage values includes natural heritage values which may include those identified under Policies 8, 9 and 14 of the plan</p>
Incidental water	support		retain
Integrated management	oppose	<p>It is not clear whether this definition is consistent with Policy 2. It is not necessary to have a definition as this more appropriately set out in policy of the plan to give effect to the NZCPS.</p>	<p>Delete definition for integrated management</p>
Maintenance	Support in part	<p>The definition is generally helpful however the exclusion of “repair” is confusing.</p> <p>The definition includes “restore” which is equivalent to repair. Also the oxford online dictionary defines “maintain” as to “Keep (a building, machine, or road) in good condition by checking or repairing it regularly.”</p> <p>We support the exclusion of “extension”; however it is not clear how this relates to policy 37 which provides for “major alterations and extensions”</p> <p>The oxford dictionary defines “extension” as to enlarge or prolong something. As such it would generally fit within the policy requirements for “major upgrades”.</p> <p>However a number of rules provide for maintenance and alteration and/or extension. It is not clear under those rules whether the alteration or extension is of the appropriate scale to be considered the same as for maintenance activities. In our view the plan could provide for minor alterations or extensions in the</p>	<p>Amend the definition by removing exclusion of “repair”.</p> <p>As a consequence amend all rules which provide for maintenance and repair to only use the term “maintenance”.</p> <p>Amend all rules which provide for alteration or extension in the same rule as “maintenance” to “minor alteration or extension”.</p> <p>Amend all rules which provide for new structures to include “major alteration or extension”.</p>

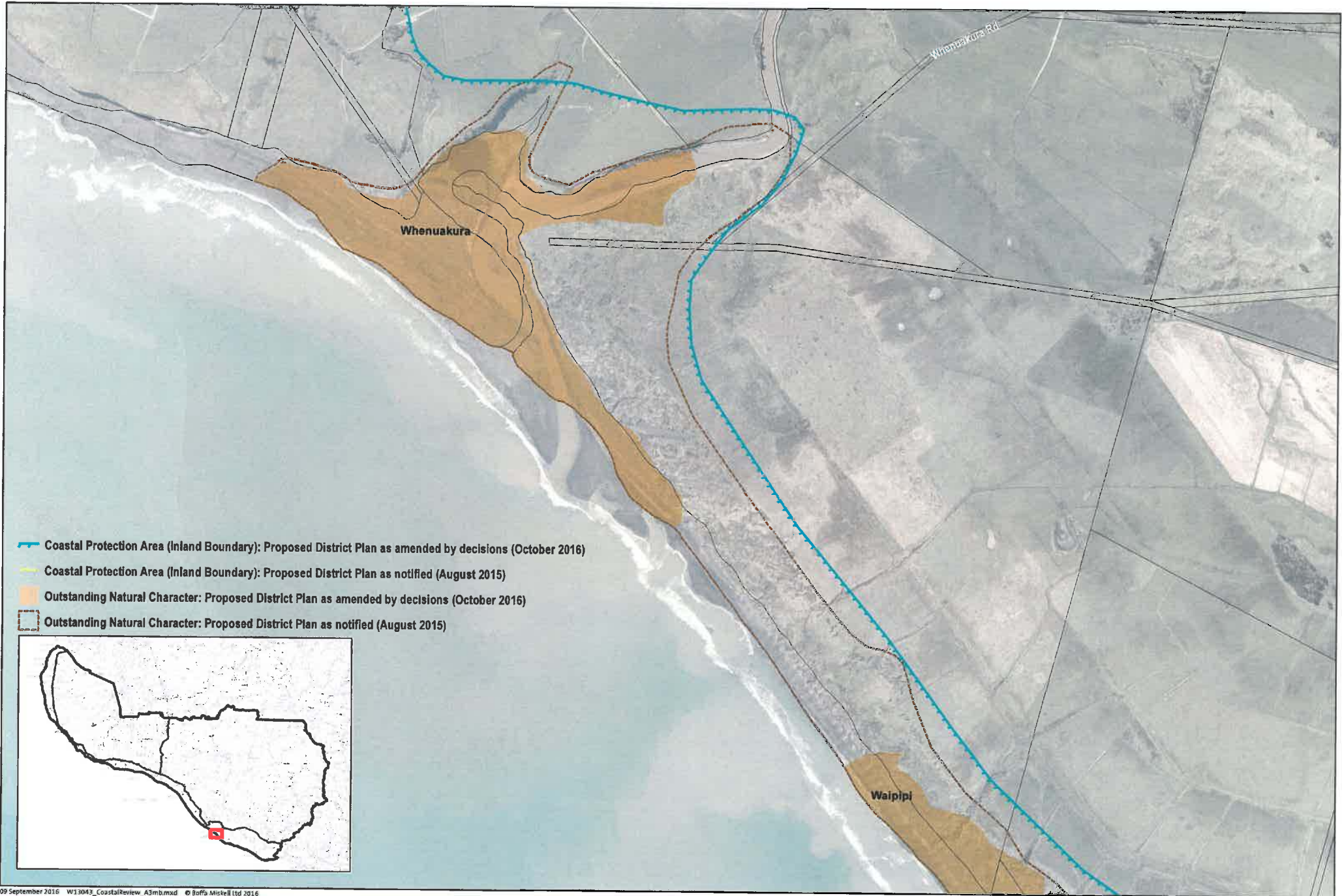
		same rules as for “maintenance”, however major alterations or extensions must be considered under rules which enable adequate consideration of effects which are likely to be similar to new those for structures.	
New definition: Minor alteration or extension		For the reasons set out in relation to “maintenance” above	Minor alteration or extension means, the alteration of s structure where the alteration or extension is within the same footprint, does not result in an increase in adverse effects over effects generated from the operation and maintenance of the structure
New definition: Major alteration or extension		For the reasons set out in relation to “maintenance” above	Any alteration or extension which does not meet the definition of minor alteration or extension.
Marine and coastal area	Support		retain
Maintenance dredging	Support		retain
Method	Support		retain
Natural	Support		retain
Natural character	Support in part	It is not clear how this definition relate to the NZCPS	Include in the definition that protection of natural character of the coastal environment is set out in policy 13 of the NZCPS
Natural feature	Support in part	It is not clear how this definition relate to the NZCPS	Include in the definition that protection of natural character of the coastal environment is set out in policy 15 of the NZCPS
Natural landscape	Support in part	It is not clear how this definition relate to the NZCPS	Include in the definition that protection of natural character of the coastal environment is set





			out in policy 15 of the NZCPS
Naturally rare or originally rare	Support		retain
Navigation aid	Support in part	It is not clear within the rule conditions and matters for control or discretion or general standards that navigation aids may result in adverse effects from noise.	Amend the plan provisions to address noise effects of navigation aids
Network utility	Support		retain
Offshore installation or installation	Support		retain
Open coast	Support in part	Include an actual definition of the areas, stating that it is the remaining area or the CMA or coastal environment. See submission on Policy 1 above.	Amend plan provisions as necessary to address submission concerns.
Outstanding Value	oppose	This definition appears to be a repeat aspects of “Coastal are of outstanding value” (ie schedules) and raises considerations not set out in the policies of the plan (ie RPS). It is more appropriate in our view to define “Outstanding value” as it is determined under Policy 8 of the plan.	Amend the definition to refer to areas identified under Policy 8
Petroleum	Support		retain
Pipeline	Support		retain
Port	Support in part	This doesn’t make sense of the common meaning of port. Policy 1 sets out his the “port” is port Taranaki. Be clearer if they said it was the Port of Taranaki	Amend to state the port is port Taranaki, alternately delete the definition.
Port Air Zone	Port Air Zone refer Schedule 8 of the Plan.	This definition does not explain what the Port Air Zone is. It would also help to clarify that the only port is port of Taranaki.	Clarify that this relates to Port Taranaki
Produced water	Support		retain
Rare and uncommon ecosystem type	Support		retain
Regionally distinctive	Support		retain

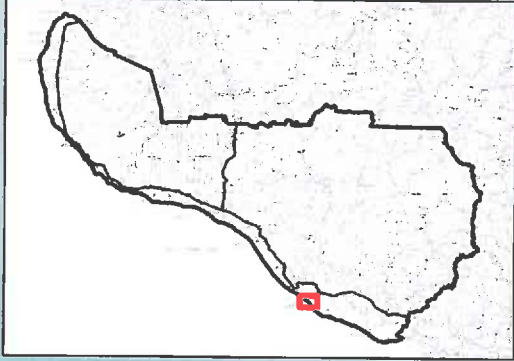
Regionally important infrastructure	Support		retain
Repair	Oppose	As set out in relation to “maintenance” above, repair is a key aspect of maintenance and must be included within that definition.	delete
Reverse sensitivity	Support		retain
Seascape	Support		retain
Sensitive marine benthic habitats	Support		retain
Sewage	Support		retain
Significant indigenous biodiversity	Significant indigenous biodiversity means areas or habitats that meet one or more of the criteria in Policy 14 of the Plan.	This provides a clear definition in terms of the relevant policy in the plan	Retain
Stormwater	Support		retain
Surf break	Support		retain
Surfable wave	Support		retain
Synthetic based drilling muds	Support		retain
Threatened	Support		retain
Wastewater	Support		retain
Water based drilling muds	Support		retain
Water quality	Support		retain
Well	Support		retain
wetland	Support		retain

Appendix 1: sample of South Taranaki District Plan - coastal protection area map

450



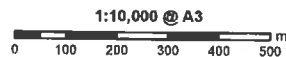
-  Coastal Protection Area (Inland Boundary): Proposed District Plan as amended by decisions (October 2016)
-  Coastal Protection Area (Inland Boundary): Proposed District Plan as notified (August 2015)
-  Outstanding Natural Character: Proposed District Plan as amended by decisions (October 2016)
-  Outstanding Natural Character: Proposed District Plan as notified (August 2015)



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Appendix 3: Significance Assessment Criteria

The purpose of the following criteria is to determine whether an area is significant in terms of Section 6(c) of the Resource Management Act 1991.

Although Appendix 2 includes a schedule of threatened, at risk and rare habitats, this is by no means definitive. Policy BIO.2 requires site-specific (on the ground) ecological assessments to verify the ecological significance of the Schedule in Appendix 2 and determine where there is the potential for activities and development to affect other areas of indigenous biodiversity that could be deemed to be significant indigenous vegetation or significant habitats of indigenous fauna.

An area is significant if it meets one or more of the criteria listed below.

(a) Representativeness

- (i) Indigenous vegetation or habitat of indigenous fauna that is representative, typical or characteristic of the natural diversity of the relevant ecological district or coastal biogeographic region. This can include degraded examples where they are some of the best remaining examples of their type, or represent all that remains of indigenous biodiversity in some areas.
- (ii) Indigenous vegetation or habitat of indigenous fauna that is a relatively large example of its type within the relevant ecological district or coastal biogeographic region.

(b) Rarity/Distinctiveness

- (i) Indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent in the Region, or relevant land environment, ecological district, freshwater environment, or coastal biogeographic region.
- (ii) Indigenous vegetation or habitat of indigenous fauna that supports an indigenous species that is threatened, at risk, or uncommon, nationally or within the relevant ecological district or coastal biogeographic region.
- (iii) The site contains indigenous vegetation or an indigenous species at its distribution limit within Southland Region or nationally.
- (iv) Indigenous vegetation or an association of indigenous species that is distinctive, of restricted occurrence, occurs within an originally rare ecosystem, or has developed as a result of an unusual environmental factor or combinations of factors.

(c) Diversity and Pattern

- (i) Indigenous vegetation or habitat of indigenous fauna that contains a high diversity of indigenous ecosystem or habitat types, indigenous taxa, or has changes in species composition reflecting the existence of diverse natural features or ecological gradients.

(d) Ecological Context

- (i) Vegetation or habitat of indigenous fauna that provides or contributes to: an ecological linkage, ecological corridor or network; buffering function; or ecosystem service.
- (ii) A wetland which plays an important hydrological, biological or ecological role in the natural functioning of a water body, including a river or coastal system, or springs, lakes and streams.
- (iii) Indigenous vegetation or habitat of indigenous fauna that provides important habitat (including, but not limited to, refuges from predation, or key habitat for feeding, breeding, or resting) for indigenous species, either seasonally or permanently.

Appendix 3 - relevant Important Bird Areas for Taranaki Coastal Plan

NZ M005	Cook Strait
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Location	New Zealand, South Taranaki Bight, Cook Strait
IBA criteria (see page 14)	A1, A4ii, A4iii
Area	37,776 km ²
Year of Assessment	2013

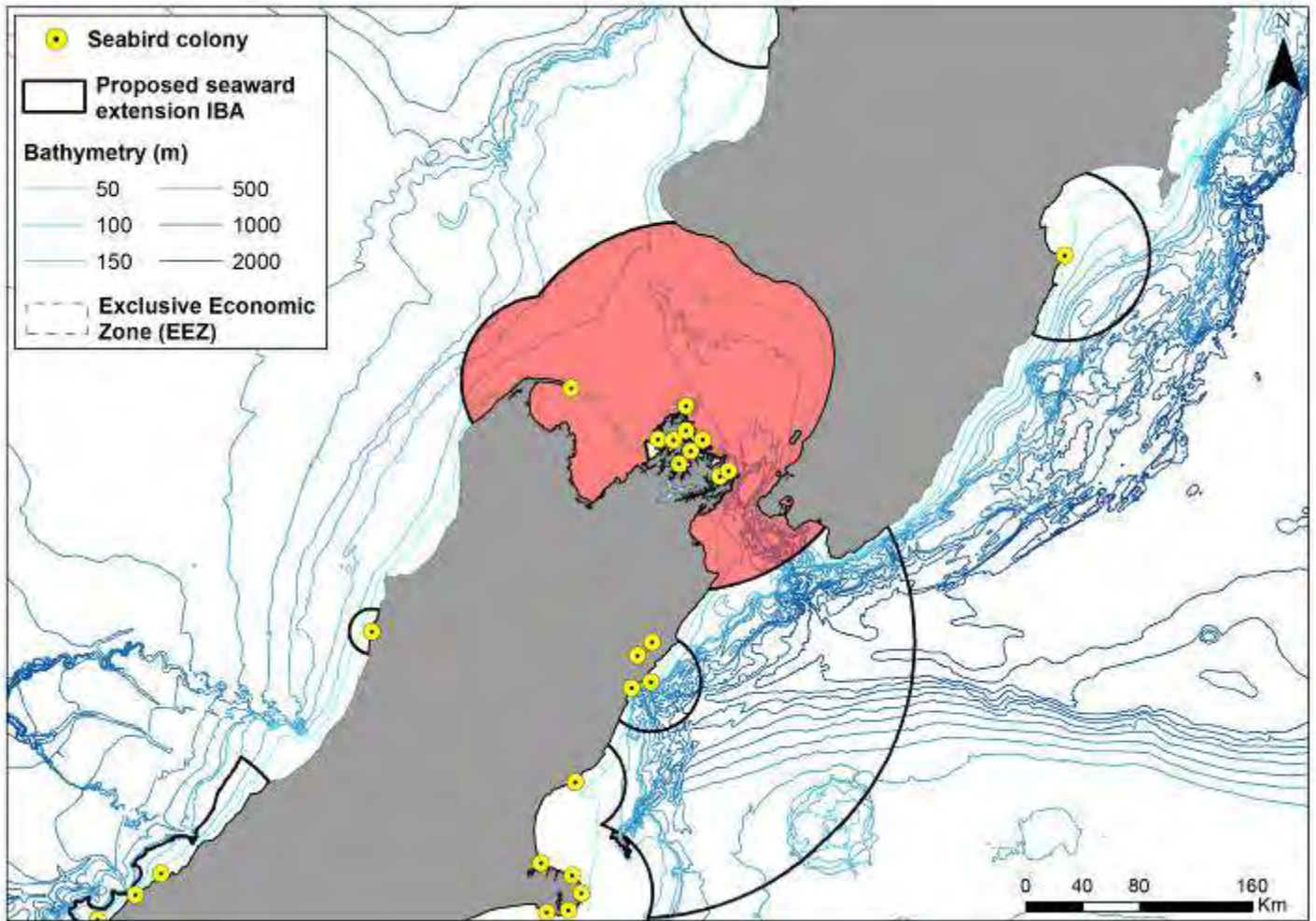
IBA trigger species:

Species	Tracking	Supporting data	Activity	IBA criteria	IUC
Fairy Prion		Seaward extensions (135km), observations	Foraging	A4ii	LC
Fluttering Shearwater	GLS	Seaward extensions (30km), observations	Foraging	A4ii	LC
Sooty Shearwater		Observations	Foraging, passage	A1, (A4iii)	NT
Australasian Gannet	GPS	Seaward extensions (60km), observations	Foraging	A4ii	LC
Black-billed Gull ¹		Observations	Post-breeding foraging	A1	EN
Black-fronted Tern ¹		Observations	Post-breeding foraging	A1	EN
Antipodean Albatross		Observations	Passage	A1	VU
Northern Royal Albatross		Observations	Passage	A1	EN
White-capped Albatross		Observations	Passage	A1	NT
Salvin's Albatross		Observations	Passage	A1	VU
Westland Petrel		Observations	Passage	A1, A4ii	VU
White-chinned Petrel		Observations	Passage	A1	VU
Buller's Shearwater	GLS	Observations	Passage	A1	VU
Hutton's Shearwater	GLS	Observations	Passage	A1, A4ii	EN
Species group (multiple species including a number not listed above)		Observations		A4iii	

¹ Included in Farewell Spit, Motueka, Wairau Lagoons and Lake Grassmere IBAs - all of which include coastal waters.

NB: Cook Strait is a major passage or flyway for pelagic seabirds breeding outside the region, including birds from northern islands (e.g. Buller's Shearwaters, Grey-faced Petrel), the West Coast of the South Island (e.g. Westland Petrel) and Subantarctic islands (e.g. Salvin's Albatross, Antipodean Albatross).

Protected area	Designation	Area (km ²)	Relationship with IBA
Cook Strait	MPA Cable Zones		Protected area contained within site
Kapiti, Taputeranga (Island Bay), Tonga Island (Able Tasman)	Marine Reserve	48.57	Protected area contained within site



Fairy Terns. Photo: Frederic Pelsy